



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Code

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Introduction

This hearing dealt with an application by the tenant seeking that an Order be issued that the landlord delay work on the elevator in the rental building until April 30, 2009. Both parties confirmed in the hearing that the work began on March 9, 2009 and is expected to be completed by the end of the 1st week in May 2009.

The tenant's advocate agreed that there is no longer any remedy associated with what the tenant has requested as part of this application. The tenant indicated that the tenant is now seeking damages due to loss of an essential service and requested that this application be amended to allow the tenant to claim damages.

I deny the tenant's request to amend this application. To grant the request would require that this hearing be adjourned so that the tenant could provide evidence and to grant the landlord reasonable time to respond to the tenant's claim.

I find that it is more appropriate to dismiss this application as there is no longer a remedy and then the tenant can file a new application.

Conclusion

I dismiss the tenant's application.

Dated April 20, 2009.

Dispute Resolution Officer