



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, OLC, ERP, RP, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order and an order to have the landlord comply with the *Residential Tenancy Act (Act)*; to make emergency repairs; and to make repairs.

The hearing was conducted via teleconference and was attended by the tenant only. The landlord did not attend the hearing.

The landlord submitted evidence to this proceeding on November 1, 2010 prior to the hearing date as such I am satisfied they were served with notice of this hearing in accordance with the *Act*. The tenant also testified that he received the evidence on November 2, 2010.

The Residential Tenancy Branch Rules of Procedure stipulate evidence must be served at least 5 days prior to the hearing. As such, I find the landlord submitted late evidence to both the applicant and the Residential Tenancy Branch.

Issues(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement; to order to have the landlord make emergency repairs and other repairs and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 32, 33, 67, and 72 of the *Act*.

Background and Evidence

The landlord submitted into evidence a copy of an Order of the Supreme Court of British Columbia that stipulates, among other things, that no proceeding in any tribunal shall be commenced or continued against the landlord (Receiver) except with the written consent of the landlord (Receiver) or the Supreme Court.

The tenant stated that because he did not receive the landlord's evidence until November 2, 2010 he was unable to obtain leave from Supreme Court to continue with this proceeding.

The landlord submits they are also currently negotiating a rent reduction with the tenant for the loss of phone service.

The tenant testified that the landlord has cut off phone service to the entire building and so all tenants no longer have access to emergency services such as fire, police or ambulance services.

The tenant testified that when he went to pay the rent he was offered a reduction of \$30.00 to compensate for the loss of phone service. According to the tenant the landlord did not offer any assistance on how the tenant would contact fire, police or ambulance services should he need it.

The tenant suffers from a medical condition that required ambulance service recently and may again in the future and as such there is great urgency to this matter.

Analysis

As per the order I find that this matter cannot be heard until the Receiver, who is the landlord, grants leave or the tenant obtains leave from BC Supreme Court to allow the proceedings to commence.

Conclusion

For the reason noted above only, I dismiss the tenant's emergency Application for Dispute Resolution, with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 05, 2010.

Dispute Resolution Officer