



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC; MNR, RP, RR

Introduction

This matter was scheduled to be heard on November 5, 2010. The Tenant's application for an adjournment was granted in order to allow the Tenant to have an advocate present. The matter was adjourned to November 30, 2010.

This is the Tenant's application to Cancel a One Month Notice to End Tenancy for Cause; for a Monetary Order for the cost of emergency repairs; for an Order that the Landlord make repairs to the site; and to allow the Tenant to reduce rent for repairs, services or facilities agreed upon but not provided.

The parties gave affirmed testimony at the Hearing.

Issues to be decided:

- Should the Notice to End Tenancy for Cause issued October 2, 2010, be cancelled?
- Is the Tenant entitled to a monetary order for costs she incurred making emergency repairs and a reduction in rent for repairs, services or facilities agreed upon but not provided?
- Should the Landlord be ordered to make regular repairs to the site?

Background and Evidence:

The Tenant received a Notice to End Tenancy for Cause on October 2, 2010.

The Notice indicates the following reasons for ending the tenancy:

- The Tenant has not done require repairs of damage to the site.
- Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

The Landlord testified that he has been trying unsuccessfully for a couple of years to have the Tenant make required repairs to the rental site. Finally, in July, 2010, the Landlord provided the Tenant with a Condition Inspection Report that required her to make the following repairs to:

- Lawn/Garden
- Yard litter
- Shrubs
- Fences/Outbuildings
- Decks/Skirting

Analysis

The Notice to End Tenancy was issued on October 2, 2010, for an effective end of tenancy date of November 30, 2010. There is an opening in my Hearing schedule on November 30, 2010, at 10:30 a.m. There is no prejudice to the Landlord in adjourning this matter until that date. Therefore, the Tenant's application to adjourn the Hearing is granted.

The Tenant is hereby ordered to have an advocate present at the Hearing on November 30, 2010.

Copies of a Notice of Dispute Resolution accompany this decision, which will be sent to the Landlord and to the Tenant at her home address and to the address of the hospital. The parties were advised in the Hearing to use the same participant code when dialing in to the Hearing on November 30, 2010.

Conclusion

The Tenant's application is adjourned to November 30, 2010, at 10:30 a.m., via teleconference.

The Tenant is ordered to have an advocate to assist her at the Hearing on November 30, 2010.

This interim 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.
