

Dispute Codes:

ERP, RR, RP

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant seeking an order to force the landlord to comply with the Act by making repairs and emergency repairs and an order to reduce the rent for repairs and facilities not provided.

Despite being served in person the respondent landlord did not appear.

Issue(s) to be Decided

The issue to be determined based on the testimony and the evidence is: whether the tenant has proven to be entitled to an order for repairs and rent reduction.

Background and Evidence

The tenant testified that the tenancy had already ended as they moved out on May 8, 2012. Therefore, I find that the repairs and rent reduction requested in the tenant's application is no longer material.

However, the tenant made a request to amend the application to add a monetary claim a refund from the landlord for partial rent paid due to deficiencies they endured while living in the unit.

Analysis

I find the dispute referred to in the tenant's application is now moot and will therefore be dismissed.

With respect to the tenant's request to change the application to a monetary claim, I find that the respondent has not been given sufficient notice of this amendment . The tenant's application did not feature a monetary amount.

The tenant is at liberty to pursue a monetary claim to seek damages through dispute resolution by making the applicable application through the Residential Tenancy Branch. .

Conclusion

Based on the above, I hereby dismiss the tenant's application seeking an order to force the landlord to make emergency repairs.

I make no findings on a potential retro-active rent abatement as the application did not contain sufficient data to hear the claim and the tenant's request to amend the application was denied.

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: May 23, 2012.

Residential Tenancy Branch