



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ARGENTIS PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION ON REQUEST FOR CORRECTION

Dispute Codes: OPR, MNR, CNR, OLC, MNDC, O, FF

The applicant has requested a correction to a decision of the Residential Tenancy Branch dated July 19, 2013.

Section 78 of Residential Tenancy Act enables the Residential Tenancy Branch to correct typographic, grammatical, arithmetic or other similar errors in a decision or order, or deal with an obvious error or inadvertent omission in a decision or order. In the Request for Correction, the applicant has written:

“Did not receive any elevator compensation or illegal charge of late fee...”

However, in my original decision, I did determine that the tenant was entitled to additional compensation for the loss of use of the elevator as excerpted below:

“Given the above, and based on the evidence before me, I accept the tenant’s request for a rent abatement of 20%. I find that this amounts to a reduction in the 3-week rent of \$113.25. As the landlord has already abated the rent by \$50.00, I find that the tenant is entitled to additional compensation of \$63.25”.

I also found that, despite the prior verbal agreement establishing the tenancy, it had subsequently been replaced by the parties agreeing to enter into a written agreement, which they both signed. I determined that this agreement featured similar terms as the prior verbal agreement, but did not have, “*exactly the same*” terms as the prior verbal tenancy agreement.

I found that this new written tenancy agreement commenced on December 4, 2012 and therefore the parties are now bound by the new agreement that they signed, including all of the terms such as late fees. The \$25.00 parking is included in the current rent of \$818.00.

The original hearing decision of July 19, 2013, was based on the evidence submitted in the application and brought forth during the hearing. An application for correction is not the appropriate forum in which to have a claim re-heard nor is it an opportunity for the

applicant to submit additional evidence that was not put forth at the hearing or included in the original application.

After considering the tenant's request for corrections, I decline to make any corrections and I confirm my original decision and order.

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: August 8, 2013

Residential Tenancy Branch