



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ERP, RP

### Introduction

This hearing dealt with the Applicant's application pursuant to section 33 of the *Residential Tenancy Act* (the *Act*) for repairs and emergency repairs to the rental unit. Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to cross-examine one another. The Applicant testified that she wanted her husband to represent her in this matter.

I advised the Applicant's husband that the landlord, the Respondent, had submitted a copy of a signed Residential Tenancy Agreement which identified him (the Applicant's husband) as a co-tenant with someone else who shared the same last name as the Applicant. This Agreement was signed on April 26, 2012. The Applicant's husband testified that the other person on that Agreement was a cousin of his wife's. Although he had no other written Agreement with the landlord, he maintained that his wife was actually the co-tenant in this tenancy.

At the commencement of the hearing, the Applicant's husband testified that he and his wife, the Applicant, vacated the rental unit on November 1, 2013. He said that he ended up having to undertake the repairs and emergency repairs himself when he and his wife were still residing at the rental unit. He confirmed information he and his wife entered into written evidence that he was seeking a monetary award of \$43,000.00 for each of his three children. He confirmed that no amended application for dispute resolution was submitted to the Residential Tenancy Branch (the RTB).

The Applicant's spouse testified that he (or his wife) handed a copy of the dispute resolution hearing package to the landlord's son shortly after they filed for dispute resolution. He did not know the date when this occurred. The landlord provided sworn testimony and written evidence that he did not receive notification of this hearing or the application for dispute resolution until December 4, 2013, when he found this information in his mailbox. The landlord submitted a written request for an adjournment of this matter if I were considering proceeding to hear the merits of this application for dispute resolution.

At the hearing, I expressed concerns as to whether the Applicant was a party to the tenancy agreement between the parties. I also noted that the parties disagreed as to whether the dispute resolution hearing package was properly served to the landlord. While these issues may have presented problems in proceeding with a consideration of this application for dispute resolution, I advised the parties that the issue identified in the application for dispute resolution is now a moot point as (a) the tenancy has ended; and (b) the Applicant's husband testified that he undertook the repairs requested in that application himself while he still resided there.

Under these circumstances, I dismiss this application for dispute resolution without leave to reapply, as the remedy requested has already been completed and this tenancy has ended. While the Applicant's spouse requested the issuance of a monetary Order against the landlord, I advised him and the Applicant that no application for a monetary Order is properly before me. I also noted that the maximum amount that any applicant can obtain through the *Act* is \$25,000.00. As the Applicant's spouse expressed an interest in obtaining a monetary Order significantly in excess of that amount, he would need to explore other remedies to obtain such an Order, in all likelihood through the Supreme Court of British Columbia.

#### Conclusion

I dismiss this application for an order requiring the landlord to undertake repairs and emergency repairs without 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: December 09, 2013

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Residential Tenancy Branch

