



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

CLARIFICATION DECISION

Dispute codes: CNC

The Landlord has requested a clarification of the Residential Tenancy Branch (the “RTB”) interim decision and order dated December 9, 2013.

The Landlord sets out several issues with both the findings and evidence contained in the Decision.

Section 78 of Residential Tenancy Act the Residential Tenancy Branch to clarify a decision or order. This section does not provide an opportunity to reargue the findings in a decision.

A review of the submissions in this application clearly shows that the Landlord is not seeking clarification on an ambiguity but is providing additional or repeated evidence and argument with the exception of one item: the Landlord seeks clarification of the meaning of the term “unit” used in the Decision. This clarifies that “unit” refers to rental unit. I otherwise direct the Landlord to the Decision that sets out the applicable law and reasons for the findings. Given the sufficiency of the reasons already in the Decision and considering that the Landlord is only rearguing against the reasons and findings, I find that the Landlord has not pointed out any ambiguity or obvious errors and I dismiss the request for clarification. Should the Landlord not understand the reasons provided in the Decision, the Landlord is at liberty to seek assistance in understanding the Decision from an RTB information officer.

It is noted that the dispute between the Parties has been reconvened to February 18, 2013 to hear and determine the Landlord’s remaining claim for damages to the unit. It

is also noted that some of the submissions in the Landlord's application for clarification contains additional or new evidence in relation to the damages being claimed. Should the Landlord wish to provide any relevant evidence or argument that may be contained in the submission for this application at the reconvened hearing, I direct the Landlord to provide a copy of the submissions made in the clarification application to the Tenant in advance of the reconvened date as required under the Act and Regulations.

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

Residential Tenancy Branch