



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Teja Vista Development  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      O, FF

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking compensation.

The hearing was conducted via teleconference and was attended by the tenant and two agents for the landlord.

This hearing was convened based on the tenant's Application seeking compensation for the landlord failing to comply with a previous order. On May 1, 2014 an Arbitrator wrote a decision on file ##### that ordered the landlord to, no later than May 31, 2014:

1. Cut the excess ducting protruding into the second bedroom and install a vent cover;
2. Complete the bathroom cabinets by installing a drawer and door;
3. Complete the kitchen cabinetry by installing a panel inside the cabinet to conceal the ducting; and
4. Inspect the thermostat to determine whether measures may be taken to reduce or eliminate a "clicking" noise.

### Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to compensation for failing to comply with a previous order and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 65, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The tenant submits that the landlord has not contacted him to make the repairs at all since the original decision was issued.

The landlord submits that whenever attempts to contact the tenant to arrange a time to enter the unit the tenant either ignores or yells at the onsite agent. The onsite agent submits that she has attempted many times to leave notes and to speak with the tenant.

The landlord testified that he has sent his workmen to complete the work and the tenant was not there and they could not enter. During the hearing the landlord suggested he could have his workmen there today (July 24, 2014). The tenant indicated that he was not home. However, I advised both parties that the landlord did not require the tenant to be in the unit at the time the work was completed and the tenant agreed to allow the landlord to enter today.

I also noted for the parties that should the landlord require entry again to complete any of the ordered repairs that he did not need to arrange a time that was acceptable to the tenant but that he could merely provide the tenant with a notice as allowed under Section 29 of the *Act*.

### Analysis

Based on the testimony provided by both parties I am satisfied that the tenant has been uncooperative in allowing the landlord access to complete the ordered repairs. As such, I dismiss the tenant's Application for compensation.

While I cannot alter the repairs that were previously ordered I can allow the landlord an extension of time to complete them. I order the landlord must complete the repairs ordered in the May 1, 2014 decision no later than August 31, 2014.

I note also that the tenant may submit a new Application for Dispute Resolution seeking compensation if the landlord fails to complete the repairs by August 31, 2014. I caution the tenant however, that he must not impede the landlord's attempts to complete the repairs by this date.

### Conclusion

As noted above, I dismiss the tenant's Application for Dispute Resolution in its entirety.

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: July 24, 2014

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Residential Tenancy Branch

