



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REKTREK RESOURCES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 62.

The landlord, HA ("landlord") and the tenant attended the hearing and were each given a full opportunity to be heard, to present their sworn testimony, to make submissions, and to call witnesses. The tenant intended to call a witness, SK, to testify on her behalf, but his testimony was not required for this hearing. The landlord confirmed that he was the president for the landlord company named in this application and that he had authority to represent the landlord company as an agent at this hearing. The landlord was also named as an individual respondent in this application.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package ("Application") and the tenant confirmed receipt of the landlord's written evidence package. In accordance with sections 88, 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's Application and the tenant was duly served with the landlord's written evidence package.

At the outset of the hearing, the tenant requested an amendment to her Application, to correct the spelling of the individual landlord's name. The landlord consented to this amendment. In accordance with section 64(3)(c) of the *Act*, I amend the tenant's application to correct the spelling of the landlord's name, which is now correctly reflected in the style of cause on the front page of this decision.

Preliminary Issue

At the outset of the hearing, the tenant confirmed that she had already vacated the rental unit on May 28, 2015. The tenant stated that she made this Application to obtain an order for the landlord to accept her \$388.00 money order for May 2015 rent. The tenant indicated that she does not want to owe any outstanding rent for this tenancy. The landlord stated that he refused to accept the tenant's rent because she owes him more than what she offered for rent. The landlord confirmed that he had not made an application for dispute resolution to recover any rent or other monies from the tenant, regarding this tenancy.

The tenant seeks an order for the landlord to accept her rent payment. However, the landlord has not made an application to claim for rent from this tenant. Accordingly, I advised both parties at the hearing that I am unable to issue the tenant's requested order, as no proper application for rent is before me.

Conclusion

Accordingly, the tenant's application for an order requiring the landlord to comply with the *Act*, *Regulation* or tenancy agreement, is dismissed 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: July 14, 2015

Residential Tenancy Branch

