



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, LRE, OLC, RR

### Introduction

The Application for Dispute filed by the Tenants seeks the following:

- a. An order for suspend or set conditions on the landlord's right to enter the rental unit.
- b. An order that the landlord comply with the Act, regulations and/or the tenancy agreement.
- c. An order to reduce rent for repairs, services or facilities agreed upon but not provided.
- d. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on February 1, 2016. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order suspending or setting conditions on the landlord's right to enter the rental unit?
- b. Whether the Tenants are entitled to an order that the landlord comply with the Act, regulations and/or the tenancy agreement?
- c. Whether the tenants are entitled to an order to reduce rent for repairs, services or facilities agreed upon but not provided?

- d. Whether the tenant is entitled to recover the cost of the filing fee?

### Background and Evidence

The tenancy began on August 1, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$2000 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$1000 and a pet damage deposit of \$200 at the start of the tenancy.

The tenants sought relief because of the manner in which the owner and the owner's real agent (who is selling the rental property) has disregarded their rights in process of showing the property. The applicant testified they do not have an issue with the respondent (who is acting as an agent for the owner for the purposes of renting the property). However, the owner has put the property up for sale and the real estate agent acting on behalf of the owner for the purposes of the sale has failed to follow the requirements of the Residential Tenancy Act. The house has now been sold and the tenant does not anticipate there will be further disruptions coming from the owner and the owner's real estate agent.

### Preliminary Matter:

Neither party presented documentary evidence prior to the hearing. The applicant requested an adjournment based on the following:

- He has experienced health issues which has prevented him from preparing (he can produce documents evidencing these health issues should that be necessary).
- The applicant wants to amend his application bringing additional claims and also joining the owner and other parties.

After carefully considering all of the evidence and submission of the parties I determined this is not an appropriate case to grant an adjournment for the following reasons:

- The objective of the Rules of Procedure is to prove a fair, efficient and consistent way of resolving disputes. An adjournment would unreasonably delay the procedure.
- There is little likelihood the adjournment in a resolution.
- The applicant failed to take steps to adequately prepare for this hearing. No documents were exchanged ahead of the hearing. The applicant failed to produce documents prior to the hearing of his medical situation.
- An adjournment would complicate the proceedings. The applicant now wishes to amend his application to add monetary claims and to add the owner as a party. In my view this would be better accomplished by filing a new Application.

for Dispute Resolution after the applicant has considered all of his claims and decided who he wishes to claim against..

- There does not appear to be any urgency as the house has been sold and the real estate agent is no longer showing the property.
- An adjournment might possibly prejudice the respondent. The applicant is upset with the owner and the owner's real estate agent. He is considering adding the owner and possibly bringing the claim against the owner only. I determined this might prejudice the respondent if the applicant wants to claim against the owner only as the respondent is forced to continue with this hearing.

As a result I dismissed the request for an adjournment.

#### Analysis

The applicants failed to present sufficient evidence to establish their claim. As a result I dismissed the within application including the claim for the cost of the filing fee.

The house has been sold and there does not appear there will be further disruptions from the owner and the owner's real estate agent in showing the house. If the situation changes and there are further problems occur the tenant has the right to re-apply.

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: March 11, 2016

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Residential Tenancy Branch