



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, MNDC, PSF, RR, FF

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenants for the following reasons;

- for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the “Act”), regulation or tenancy agreement
- for the Landlord to comply with the Act, regulation or tenancy agreement
- for the Landlord to provide services or facilities required by law
- to allow the Tenant to reduce rent for repairs agreed upon but not provided
- to recover the filing fee for the cost of the Application

The Tenant appeared for the hearing but the Landlord did not. At the outset of the hearing, the Tenant explained that he wanted to withdraw his Application because he had not put the Landlord on notice of this hearing or informed her in writing about the issues in this tenancy or asked for resolution and monetary compensation from the Landlord. The Tenant asked that he be allowed time to make these requests from the Landlord in writing and attempt informal resolution with her. As a result, I allowed the Tenant to withdraw the Application and provide leave to re-apply. However, the Landlord is cautioned in relation to the following provisions of the Act.

Changes to tenancy agreement

14 (1) A tenancy agreement may not be amended to change or remove a standard term.

(2) A tenancy agreement may be amended to add, remove or change a term, other than a standard term, only if both the landlord and tenant agree to the amendment

Terminating or restricting services or facilities

27 (1) A landlord must not terminate or restrict a service or facility if

(a) the service or facility is essential to the tenant's use of the rental unit as living accommodation, or

(b) providing the service or facility is a material term of the tenancy agreement.

(2) A landlord may terminate or restrict a service or facility, other than one referred to in subsection (1), if the landlord

(a) gives 30 days' written notice, in the approved form, of the termination or restriction, and

(b) reduces the rent in an amount that is equivalent to the reduction in the value of the tenancy agreement resulting from the termination or restriction of the service or facility.

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: August 26, 2016

Residential Tenancy Branch