



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding UNITED SENIORS HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to have the landlord comply with the Act, regulation or tenancy agreement and to recover the filing fee from the landlord.

Both parties appeared, gave testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing

Issue to be Decided

Should the landlord be order to comply with the Act, regulation, or tenancy agreement?

Background and Evidence

The tenancy began in 2011. Rent is determined by BC Housing.

The tenant stated that they filed a previous application for dispute resolution that was heard on December 8, 2015. The tenant stated that the landlord has failed to comply with decision as they have denied their request for an internal move. Filed in evidence is a copy of the decision dated December 9, 2015.

The landlord stated that they do not agree to an internal move as the noise issue has been addressed.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

In this case, I have reviewed the decision made on December 9, 2015; I have noted the file number on the covering page of this decision.

The background and evidence show the landlord and tenant simply discussed that an internal move may be considered. The Arbitrator made no Orders at the hearing for an internal move. The parties did not enter into any settlement agreement to an internal move.

I find the tenant has failed to prove a violation of the Act by the landlord. Therefore, I dismiss the tenant's application.

As the tenant was not successful with their application they are not entitled to recover the filing fee from the property owner.

Conclusion

The tenant's application is dismissed.

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: October 23, 2016

Residential Tenancy Branch

