



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OLC O

Introduction

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

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62.

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions.

Issues

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

Background and Evidence

The rental unit is a studio apartment in a subsidized housing complex for seniors. The tenancy began in December of 2004. The tenant's portion of rent is \$320.00 payable on the 1st day of each month.

The tenant is requesting the landlord allow access to certain areas of the rental unit by opening certain doors, gates, meeting rooms and washrooms in the building. The tenant is also requesting the landlord change smoking rules within the community and allow payment of rent by e-transfer.

The landlord provided a two page written submission in response to the tenant's application which it argues is completely unfounded.

Analysis

I note that the parties had previously gone through an arbitration hearing on January 8, 2013 in response to the tenant's application requesting an order that the landlord comply with the Act. A decision was issued on that application on January 10, 2013. In that application, the tenant was also requesting the landlord to open several exit doors on the main floor and complained about occupants smoking on their balconies. The Arbitrator found that there was no evidence before him that occupants were not permitted to smoke on their balconies and found no basis for issuing an order for the landlord to comply with the Act. The Arbitrator dismissed the tenant's application, finding that it was nothing more than a list of grievances against the landlord, which were unsubstantiated and almost frivolous in nature.

Pursuant to section 62 of the Act, the Director may dismiss all or part of an application for dispute resolution if the application is frivolous or an abuse of the dispute resolution process. I find the tenant's application to be frivolous and it is dismissed in its entirety on that ground, without leave to reapply.

Conclusion

The tenant's application 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: December 02, 2016

Residential Tenancy Branch