



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

ERP, RP, OLC, LRE, LAT, and RR

Introduction

This hearing was scheduled in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied for an Order requiring the Landlord to make repairs to the rental unit; a rent reduction; for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement; for authority to change to locks; and for an Order suspending or setting conditions on the Landlord's right to enter the rental unit.

The male Tenant stated that on November 23, 2016 or November 24, 2016 the Application for Dispute Resolution and the Notice of Hearing were placed in the male Landlord's mail slot. The male Landlord stated that these documents were received sometime prior to the end of November of 2016.

On November 22, 2016 the Tenant submitted 109 pages of evidence to the Residential Tenancy Branch. The male Tenant stated that these documents were not served to the Landlord because the Tenants neglected to retain copies of the evidence submitted. As the evidence was not served to the Landlord, it was not accepted as evidence for these proceedings.

On December 29, 2016 the Landlord submitted 49 pages of evidence to the Residential Tenancy Branch. The male Landlord stated that these documents were personally served to the male Tenant on December 27, 2016. The Tenants acknowledged receipt of this evidence and it was accepted as evidence for these proceedings.

Preliminary Matter

The Tenants requested an adjournment for the purposes of serving the Landlord with evidence for these proceedings. The male Tenant stated that the requested repairs are very important and he needs more time to serve evidence to the Landlord.

The Landlord opposed the request for an adjournment as he has already taken a day of work to participate in these proceedings and he does not want to take another day off to participate in another hearing.

I find that the Tenants had ample time to serve evidence to the Landlord and that it would be unfair to the Landlord to delay these proceedings. I therefore deny the Tenants' request for an adjournment.

Issue(s) to be Decided

Is there a need to issue an Order requiring the Landlord to make repairs to the rental unit?

Should the Tenants be granted authority to change the locks?

Is there a need to issue an Order suspending or setting conditions on the Landlord's right to enter the rental unit?

Are the Tenants entitled to a rent reduction?

Background and Evidence

The female Landlord stated that they do not know what repairs are required as she understands that all necessary repairs have been made.

The male Tenant acknowledged that the Tenants did not provide any information regarding the details of their claim, other than to declare that the Landlord has failed "to make necessary and promised repairs". In the Details of Dispute section of the Application the Tenants indicate that the details of the dispute are continued on page 3, although the Tenants acknowledge that this page was not served to the Landlord.

Analysis

Section 59(2)(b) of the *Residential Tenancy Act (Act)* stipulates that an Application for Dispute Resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings.

I find that the Tenants' Application for Dispute Resolution does not provide sufficient details of the need for repairs. Specifically, I find that Tenants have not clearly informed the Landlord of the nature of the repairs they feel are necessary.

I find that the Tenants' Application for Dispute Resolution does not explain why the Tenants are asking for authority to change the locks or for an Order suspending or setting conditions on the Landlord's right to enter the rental unit?

Given the lack of detail I find that it would be difficult, if not impossible, for the Landlord to prepare a response to the Tenants' claims. I therefore dismiss the Application for Dispute Resolution, with leave to reapply.

Conclusion

The Application for Dispute Resolution is dismissed with 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: January 05, 2017

Residential Tenancy Branch