



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ARC INVESTMENTS INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, ERP, RP, FF

Introduction

The tenant applies for relief in the nature of a repair order, an emergency repair order and for compensation claiming that the rental unit has inadequate heat, a closet ceiling is developing mould from a leak and that the front steps are dangerously slippery.

At hearing the tenant also advanced claims that she is should be entitled to change the locks and restrict the landlord's access and that the landlord attend to problems with the dishwasher included as part of the rental arrangement.

The tenant reported that the landlord had applied friction strips to the steps and their safety in that regard was no longer a problem.

At the start of the hearing it was apparent that the landlord had filed material in opposition to the claim. The tenant had received the material but it had not found its way to the Residential Tenancy Branch from the Service BC location the landlord had filed it with.

It also became apparent that the parties had been in another dispute resolution hearing on December 28, 2016 involving most of the same claims. The filing number for that dispute resolution is reproduced on the cover page of this decision.

The decision from the earlier hearing was rendered January 3, 2017. That decision determined, among other things: that landlord was providing adequate heat, that the closet ceiling leak had been adequately repaired by the landlord and that the front steps were adequately lit and the safety of the steps was being jeopardized because the handrails were being obstructed by the tenant's plants. This application was started January 5, 2017, two days later.

The suggestion was raised by me that because of this prior decision those claims had been dealt with and could not properly be adjudicated upon twice. The tenant informed the hearing that she had filed an application for review of that decision, as permitted under s. 79 of the *Residential Tenancy Act* (the “Act”) on the basis that she had new and relevant evidence that was not available at the time of the original hearing. She was also of the view that the arbitrator at the previous hearing did not use the material the tenant had provided.

A search of the Residential Tenancy Branch case management system showed that a Review Decision had been rendered January 27, 2017, dismissing the tenant’s application for review.

Unfortunately, the tenant had not yet received that Review Decision or otherwise learned of the result. Perhaps taken by surprise, she voluntarily left the hearing, indicating that she would seek further recourse through her lawyers. The hearing was suspended for five minutes but the tenant did not return.

In result, I must find that the tenant has failed to pursue her claims at this hearing. They are dismissed.

Subject to the effect of the earlier decision dated January 3, 2017, none of the tenant’s claims raised at this hearing were determined on their merits at this hearing.

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: February 01, 2017

Residential Tenancy Branch