



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MNDC, ERP, RP, PSF, RR, and O

### Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied for a monetary Order for money owed or compensation for damage or loss; for an Order requiring the Landlord to make repairs to the rental unit; for an Order requiring the Landlord to provide services, for a rent reduction, and for "other".

This Application for Dispute Resolution was the subject of a hearing on October 19, 2016. At the conclusion of that hearing a Residential Tenancy Branch Arbitrator ordered the Landlord to make repairs, she granted the Tenant a monetary Order for \$1,221.00, and she reduced the rent by \$170.00 pending the completion of several repairs.

The Landlords filed an Application for Review Consideration and the application for review was granted.

As a result of the application for review a new hearing was convened on January 26, 2017. The hearing on January 26, 2017 was adjourned because the Landlord had not served the Tenant with two documents.

The Residential Tenancy Branch Arbitrator conducting the hearing on January 26, 2017 has retired and is not able to continue with that hearing. The matter was re-assigned to me.

The Tenant stated that the original Application for Dispute Resolution and 37 pages of evidence was personally served to the Landlord with the initials "A.C." on February 19, 2017. In the absence of evidence to the contrary, I find that these documents have been served to the Landlord.

The Tenant stated that she has received the Landlords' Application for Review Consideration and the two pages of evidence the Landlords submitted with the Application for Review Consideration.

On October 17, 2016 the Tenant submitted 7 pages of evidence to the Residential Tenancy Branch. On January 19, 2017 the Tenant submitted 11 pages of evidence to the Residential Tenancy Branch. On February 17, 2017 the Tenant submitted 24 pages of evidence to the Residential Tenancy Branch. On February 21, 2017 the Tenant submitted 22 pages of evidence to the Residential Tenancy Branch. The Tenant stated that all of these documents were personally served to the Landlord with the initials "A.C." on February 19, 2017. In the absence of evidence to the contrary, I find that these documents have been served to the Landlord.

#### Issue(s) to be Decided

Is the Tenant entitled to compensation for deficiencies with the rental unit?  
Is there a need to issue an Order requiring the Landlord to make repairs or to provide services?

#### Background and Evidence

The Landlord did not attend the hearing to respond to the claims being made by the Tenant. The Tenant stated that the evidence she presented at the first hearing on October 19, 2016 remains unchanged.

#### Analysis

Section 82(3) of the *Act* stipulates that after a review I may confirm, vary, or set aside the original hearing or Order. As the Landlord has presented no evidence at the hearing on March 06, 2017 that would cause me to vary or set aside the original hearing or Order, I find there is no reason to vary or set aside the original decision and Order of November 08, 2016.

#### Conclusion

As the Landlord has not established that the original decision and Order of November 08, 2016 should be varied or set aside, I confirm the original decision and Order. 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: March 06, 2017

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Residential Tenancy Branch