



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AFFORDABLE HOUSINGS SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC

Introduction

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

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 ordered to comply with the Act?

Background and Evidence

The tenancy began in October 2003. The tenant's rent is determined by the tenant's income.

The tenant submits that the landlord has failed to comply with the Act, because the landlord has failed to transfer them to a new unit due to their health concerns.

The landlord's agent submits they have accommodated the tenant's requests in the past. The agent stated that it has come to their attention that the tenants have misrepresented their eligibility and they will issue a notice to end tenancy.

Analysis

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

In this case the tenants want the landlord to transfer them to a different rental unit because their rental unit is no longer suitable for their needs. However, there is no authority under the Act for me to Order the landlord to provide alternate housing. I find the tenants have not proven a violation of the Act by the landlord. Therefore, I dismiss the tenants' application without leave to reapply.

Conclusion

The tenants' 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: June 07, 2018

Residential Tenancy Branch