



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OLC, LRE, FF

### **Introduction:**

The Application for Dispute Resolution filed by the Tenant(s) seeks the following:

- a. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.
- b. An order restricting or suspending the landlord's right to enter the rental unit.
- c. An order that the landlord provide services or facilities required by the tenancy agreement or law.
- d. A monetary order.
- e. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The landlord has filed an Application for Dispute Resolution seeking an Order of Possession that is set for hearing on November 29, 2018 that is scheduled for hearing before another arbitrator. It is unclear whether the Tenant has filed an Application for Dispute Resolution for an order to have the Notice to End Tenancy cancelled. Such an application would be necessary if the Tenant wishes to dispute the Notice to end Tenancy on the merits.. The landlord initially requested that this matter be adjourned so that it be heard at the same time as the landlord's application. The landlord's witnesses were not available for this hearing. The tenant agreed the evidence was interrelated but did not consent to the adjournment. The parties reached an agreement on the issues raised in this application which is set out below. .

I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlord carries on business. Service was acknowledged by the representative of the landlord. With respect to each of the applicant's claims I find as follows:

### **Issues to be Decided:**

The issues to be decided are as follows:

- a. Whether the Tenant(s) are entitled to an order that the landlord comply with the Residential Tenancy Act, Regulations and/or tenancy agreement?
- b. Whether the Tenant(s) are entitled to an order restricting or suspending the landlord's right to enter the rental unit?

- c. Whether the Tenant is entitled to an order that the landlord provides services or facilities required by the tenancy agreement or law?
- d. Whether the Tenant is entitled to a monetary order and if so how much?
- e. Whether the Tenant(s) are entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began in 2000. The present rent is \$550 per month payable in advance on the first day of each month. The tenant paid a security deposit at the start of the tenancy although he does not recall how much was paid.

A dispute has arisen as to whether the landlord had a right to have the tenant's car towed and whether the landlord had the right to access the tenant's balcony to have hang glider removed.

Settlement:

The representative of the landlord consented to a monetary order being issued in favour of the Tenant against the landlord in the sum of \$100 for the cost of towing the tenant's vehicles, two charges of \$28 each for placing insurance on the tenant's vehicles and \$100 filing fee. As a result I ordered that the landlord pay to the tenant the sum of \$156 plus \$100 for the cost of the filing fee for a total of \$256.

I dismissed the Tenant's claim for damage to his vehicle as the tenant failed to provide proof as to the cost of repair.

The parties agreed on an interim and without prejudice basis that the determination of the issues raised in the dealing with the provision of parking and the landlord accessing the tenant's property to remove a hang glider from the balcony that were included in the Tenant's application as part of the following claims:

- for an order restricting or suspending the landlord's right to enter the tenant's rental unit (accessing the tenant's unit to remove a hang glider)
- an order that the landlord comply with the Act, Regulations and tenancy agreement
- an order that the landlord provide services or facilities required by law or the tenancy agreement (the provision of the parking space)

shall be adjudicated as part of the landlord's claim which is set for hearing November 29, 2018 as the evidence is interrelated. The landlord agrees not to access the tenant's balcony and/or interfere with the tenant's parking until these issues are dealt with as part of the hearing of November 29, 2018 between the parties.

Conclusion:

I ordered that the landlord shall pay to the Tenant the sum of \$256. I dismissed the tenant's claim for damage to his vehicle caused by the towing.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

I ordered that the tenant's application for

- for an order restricting or suspending the landlord's right to enter the tenant's rental unit (accessing the tenant's unit to remove a hang glider)
- an order that the landlord comply with the Act, Regulations and tenancy agreement
- an order that the landlord provide services or facilities required by law or the tenancy agreement (the provision of the parking space)

be heard along as part of the landlord's claim by consent of the parties and subject to the discretion of the arbitrator hearing the claim on November 29, 2018. If the arbitrator determines it is not appropriate to consider those claims as part of the landlord's application I order that the Tenant has the right to re-apply.

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: November 06, 2018

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Residential Tenancy Branch