



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT LIMITED PARTNERSHIP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC FF

Introduction

This hearing was convened in response to an application by the tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

- an Order directing the landlord to comply with the *Act* pursuant to section 62 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Both the tenant and the landlord’s agent, M.B. (the “landlord”) appeared at the hearing. The landlord confirmed receipt of the tenant’s application for dispute resolution and evidentiary package after it was served to him in person on October 30, 2018. The landlord is found to have been duly served in accordance with section 88 & 89 of the *Act*.

Preliminary Issue – Tenant’s Application

After a review of her application and following opening remarks, I explained to the tenant that I did not fully understand the merits of her application and asked that she detail them for me.

The tenant said she was seeking monetary compensation from the landlord as a result of issues with the rental unit. I explained to the tenant that she had not applied for, or served the landlord with an application for a monetary award pursuant to section 67 of the *Act*, and had merely applied for an Order directing the landlord to comply with the *Act* pursuant to section 62.

Residential Tenancy Rule of Procedure 2.2 states as follows, “The claim is limited to what is stated in the application.” While *Rule of Procedure 6.2* states, “The hearing is

limited to matters claimed on the application unless the arbitrator allows a party to amend the application.”

I find the tenant has failed to apply for a monetary award in accordance with the *Act* and *Rules of Procedure*. The tenant is seeking relief under the *Act* for a matter that the respondent landlord was not prepared to respond, and after hearing the testimony of the tenant, it was evident she had incorrectly submitted an application directing the landlord to comply with the *Act*. I therefore dismiss the tenant’s application for an Order directing the landlord to comply with the *Act*.

Conclusion

The tenant’s application directing the landlord to comply with the *Act* is dismissed.

The tenant must bear the cost of her own filing fee.

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: December 6, 2018

Residential Tenancy Branch