



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

Both parties attended the hearing via conference call and provided testimony.

Preliminary Issue(s)

At the outset, the tenant's application was clarified. The tenant filed an amendment to the application for dispute cancelling the request for a reduction in rent and wishes to only proceed on the request for the landlord to comply. The tenant requests that the landlord "evict" another tenant of the rental property. The tenant was advised that there is no section within the act that allows for the Residential Tenancy Act to "force" the landlord to serve a notice to end tenancy upon a tenant. Extensive discussions took place in which the landlord did not dispute the tenant's claims that the other tenants were "significantly interfering with or unreasonably disturbing another occupant" by smoking in or on the rental property. The landlord stated that he has had several conversations with both tenants, but has not acted. Both parties confirmed that multiple meetings have taken place with all parties in which no resolution was made and that the other tenants still "smoke" in or on the property. The tenant was advised that he should research "other forms of a remedy" to have the landlord act. On this basis, the tenant's application was 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: July 08, 2019

Residential Tenancy Branch