



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Code          ERP

### Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the Act) for an order for the landlord to provide emergency repairs for health or safety reasons, pursuant to sections 32 and 62 of the Act.

Both parties were in attendance. The landlord was assisted by his wife, IR.

At the outset of the hearing the tenant testified he was personally served on December 04, 2019 a written decision from file number \*\*\*\*\*95 (the number has been included on the front page of this decision for ease reference). In that application the landlord obtained an order of possession and a monetary order against the tenant. The tenant testified he did not file a review consideration against that decision.

The landlord testified he is going to enforce the order of possession.

Pursuant to the decision of file number \*\*\*\*\*95, this tenancy has already ended. The issues raised in this application are no longer applicable.

Section 58 of the Act states:

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(1) Except as restricted under this Act, a person may make an application to the director for dispute resolution in relation to a dispute with the person's landlord or tenant in respect of any of the following:

- (a) rights, obligations and prohibitions under this Act;
- (b) rights and obligations under the terms of a tenancy agreement that
  - (i) are required or prohibited under this Act, or
  - (ii) relate to
    - (A) the tenant's use, occupation or maintenance of the rental unit, or
    - (B) the use of common areas or services or facilities.

Since the tenancy ended, the tenant no longer has the right to ask for repairs under the Act.

Therefore, I dismiss the tenant's application without leave.

Towards the end of the hearing, the tenant said he was recording the hearing. I explained recording is prohibited (Rule of Procedure 6.11) and he must destroy the recording.

The tenant was disruptive by not allowing me to speak and explain why his application is dismissed. Even though the tenant was instructed to listen, he kept interrupting and speaking over me. Pursuant to Rule of Procedure 6.10, I muted the tenant while I explained his application is dismissed.

### Conclusion

I dismiss the tenant's application in its entirety, without leave to reapply.

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 16, 2019

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Residential Tenancy Branch