



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to have the landlord comply with the Act and to recover the filing fee.

A both parties appeared.

At the outset of the hearing the landlord stated they have been trying to deal with the allegations the tenant claims of harassment. The landlord stated that they have spoken to the other occupant and they deny they are harassing the tenant. The landlord stated they have installed a security camera and have found no evidence of harassment. The landlord stated they have tried to get additional information from the tenant such as copies of police reports, which the tenant did not provide.

The landlord stated that they had to apply through freedom of information to obtain those documents; however, they are heavily edited. The landlord stated they have an obligation to both the tenant and the other occupant to be able to fully investigate the matters.

The landlord testified that the tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent and would like to deal with that issue.

The tenant testified that they received a 10 Day Notice to End Tenancy for Unpaid Rent. The tenant stated that they disputed the notice and have a hearing date in the future. The tenant stated they did not pay rent because they believe the landlord has breached the Act. The tenant was informed that they cannot withhold rent, except in accordance with the Act. Simply withholding rent for a breach, even if proven, is contrary to section 26 of the Act.

As the tenant's application to cancel the 10 Day Notice for Unpaid Rent is not before me, I decline to address that issue at today's hearing.

In this case, I find the tenant's application to have the landlord comply with the Act, premature. The landlord is entitled to properly investigate the issues, and it is the tenant's responsibility to provide supporting evidence, such as copies of police statements, reports and any other such evidence. I find the tenant did not provide the landlord with the necessary documents and the landlord was forced to obtain edited copies through freedom of information, which are basically unreadable. The tenant could have simply obtained those documents for the landlord so the landlord could conduct their own investigation.

Therefore, I dismiss the tenant's application with leave to reapply. The tenant must provide all requested documents to the landlord so the landlord can properly investigate the tenant's concerns.

Conclusion

The tenant's application is dismissed with 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 *ACT Tenancy Act*.

Dated: March 18, 2020.

Residential Tenancy Branch