



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes MNDC RP PSF LRE RR

Introduction

This hearing dealt with two separate applications filed by the tenant pursuant to the *Residential Tenancy Act* (the “Act”) for the following remedies:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- authorization to change the locks and/or to suspend or set conditions on the landlord’s right to enter the rental unit pursuant to section 70;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

The hearing was conducted by conference call. All named parties attended the hearing. The landlord acknowledged receipt of both the tenant’s applications.

Preliminary and Procedural Matters

There were various pre-liminary and procedural matters raised at the outset of this hearing, all of which are addressed below:

File # 310006597:

The tenant is requesting monetary compensation from the landlord in the amount of \$10,800.00 which is described in the application as Covid-19 relief as a result of diminished employment income.

The Residential Tenancy Branch does not provide for such a remedy nor is this the responsibility of the landlord. The tenant's application (file# 310006597) is dismissed without leave to reapply.

File # 310006565:

In this application, the tenant was seeking various repairs to the rental unit, a request for the landlord to provide services and/or facilities, authorization for a past and future rent reduction as a result of the landlord allegedly not completing repairs or providing services and/or facilities and authorization to suspend or set conditions on the landlord's right to enter.

A significant portion of the tenant's request for repairs was based upon a home inspection the tenant had performed after this application was filed. The tenant did not raise any of these repair issues with the landlord prior to the filing of this application or provide the landlord with an opportunity to address the repair requests prior to the application.

The tenant also submitted a 56-page secondary evidence submission in support of his application only a day prior to the hearing. The landlord's agent advised she only received the secondary submission the night before and only had an opportunity to conduct an initial review of the material which she felt was not relevant.

The parties also confirmed that although the tenant was requesting the landlord to perform various repairs, the tenant was at the same time not permitting the landlord to enter the rental unit due to concerns with Covid-19.

As of the date of the hearing, the Residential Tenancy (COVID-19) Order made by MO 89/2020 on March 30, 2020 restricted the landlord's right to enter the rental unit unless for emergency situations. As of June 24, 2020, this restriction has been repealed and the landlord may enter the rental unit as per section 29 of the Act.

As a result of the landlord not being provided a full opportunity to be made aware of and address the tenant's various repair requests, I find it appropriate in the circumstances to dismiss the tenant's application (File #310006565) in its entirety with leave to reapply until such time that the landlord has had the opportunity to address any bona fide repair requests made by the tenant.

Conclusion

The tenant's application (file# 310006597) is dismissed without leave to reapply.

The tenant's application (File #310006565) is dismissed in its entirety with leave to reapply until such time that the landlord has had the opportunity to address any bona fide repair requests made by the tenant.

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, 2020

Residential Tenancy Branch