



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BROWN BROS PROPERTY MANAGEMENT  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      RP, OLC

### Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on September 3, 2020, wherein the Tenant requested an Order that the Landlord make repairs to the rental unit as well as an Order that the Landlord comply with the residential tenancy agreement, the *Residential Tenancy Act*, and/or the *Residential Tenancy Regulations*.

The hearing of the Tenant's Application was scheduled for teleconference at 9:30 a.m. on October 15, 2020. Both parties called into the hearing.

### Preliminary Matter—Relief Sought

At the outset of the hearing the Tenant confirmed that the Landlord had either taken care of, or was in the process of attending to, the repairs which formed part of her Application. She confirmed she did not wish to proceed with her application for a repair order at this time.

On the second part of her Application the Tenant requested an Order that the Landlord comply with the residential tenancy agreement, the *Residential Tenancy Act*, and/or the *Residential Tenancy Regulations*. However, the nature of this request was unclear on her Application.

One of the Principles of Natural Justice is that a party to a dispute has the right to know the claim against them. Hearings before the Residential Tenancy Branch are conducted in accordance with the principles of natural justice as well as the *Residential Tenancy Branch Rules of Procedure*. Rule 2.2 provides that a claim is limited to what is stated in the Application. In this case, I find the Tenant failed to clearly articulate her

claim, and, as a result, the Landlord was not able to properly prepare or respond to the claim. I find that to proceed with the hearing would deny the Landlord a fair opportunity to be heard. As such, and pursuant to section 62(4) of the *Act*, I dismiss the Tenant's claim 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 *Residential Tenancy Act*.

Dated: October 15, 2020

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Residential Tenancy Branch