



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- an order for the landlord to comply with the Act, the Residential Tenancy Regulation and/or tenancy agreement, pursuant to section 62; and
- an authorization to recover the filing fee for this application, under section 72.

Both parties attended the hearing. Respondent Apm property management was represented by agent CB. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing the attending parties affirmed they understand they must be civil and orderly at all times, only one person can speak at the same time, the hearing cannot be recorded and the parties can be muted or excluded from the hearing.

Per section 95(3) of the Act, the parties may be fined up to \$5,000.00 if they record this hearing or if they are not civil and orderly: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5 000."

When I enquired the parties about service of the application the tenant affirmed: "This is ridiculous". I warned the tenant to be respectful.

The tenant submitted an application for an order for the landlord to comply with the Act. The tenant affirmed he is claiming for a monetary order in an amount equivalent to twelve times the monthly rent payable under the tenancy agreement under section 51(2).

Rule of Procedure 6.6 states that the standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim.

The applicant did not present any evidence about the necessity of an order for the landlord to comply with Act.

As such, I dismiss the tenant's application with leave to reapply. I find that granting leave to reapply is fair because the tenant's claim for a monetary order, submitted as a claim for an order for the landlord to comply with the act, was not analyzed.

As I was explaining my decision during the hearing, the tenant said: "fuck this". I warned the tenant for the second time that the tenant must be respectful. The tenant said: "fuck you" and disconnected after 17 minutes of hearing time.

The tenant must bear the cost of his filing fee, as the tenant was not successful.

Conclusion

I dismiss the tenant's application for an order for the landlord to comply with leave to reapply.

I dismiss the tenant's application for an authorization to recover the filing fee 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: August 16, 2021

Residential Tenancy Branch