



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LU'MA NATIVE HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62.

The landlord's agent JS ("landlord") and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

"Landlord CN" attended the hearing on behalf of the landlord company to observe only, she did not testify.

The hearing began at 1:30 p.m. and ended at 1:46 p.m., for a total of 16 minutes.

The landlord stated that she was the program manager for the landlord company named in this application and that she had permission to speak on its behalf. She confirmed the rental unit address and stated that the landlord company owns the rental unit.

At the outset of this hearing, I informed both parties that Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules") does not permit recording of this hearing by anyone. Both the landlord and tenant separately affirmed, under oath, that they would not record this hearing.

At the outset of this hearing, I explained the hearing process to both parties. Both parties had an opportunity to ask questions. Neither party made any adjournment or accommodation requests.

Pursuant to section 64(3)(c) of the *Act*, I amend the tenant's application to correct the rental unit address to remove the word "upper," as the tenant stated this was incorrect. The tenant consented to this amendment during this hearing. The landlord did not object to same.

The tenant testified that he did not file this application. He said that someone else, such as the landlord, must have done so. He claimed that he does not use an accent mark on the "i" letter in his surname. He explained that he does not spell his first name with a "y," rather than "i," as that is only his "stage name." The tenant repeated the above information a number of times during this hearing.

I informed the tenant that he was named as the applicant in this application and the landlord was named as the respondent. I asked the tenant if he was pursuing this application and whether he was seeking any orders from the landlord.

The tenant stated that he does not know what this application is for, he did not have it in front of him during this hearing, and he did not want to pursue it at this hearing. I informed him that this application was dismissed without leave to reapply. The tenant confirmed his understanding of same.

The tenant appeared to be frustrated and upset each time I asked him questions or answered his questions. The tenant interrupted me throughout this hearing. I cautioned him that I needed to be able to speak, without interruption, in order to conduct this hearing and answer his questions. The tenant claimed that he was still residing in the rental unit and he was concerned that he would be evicted. I informed him that this current application and hearing were not related to a notice to end tenancy or an order of possession, so I was not making a decision regarding eviction at this time. The tenant confirmed his understanding of same.

The tenant said that there is a hearing scheduled for November 8, 2021, regarding a notice to end tenancy for cause, and he had a copy of that application in front of him. He provided the file number for that hearing, which appears on the front page of this decision. He claimed that he thought he filed that application, as he had the paperwork and his name was spelled correctly in it.

The landlord confirmed that she filed that application against the tenant for an order of possession for cause and she was pursuing it at the future hearing on November 8, 2021. I notified the tenant that the landlord was named as the applicant and the tenant was named as the respondent in that application. The tenant confirmed his understanding of same.

Both parties declined to discuss a settlement of the landlord's future application at this hearing, after being provided the opportunity to do so.

Conclusion

The tenant's application is dismissed 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: October 08, 2021

Residential Tenancy Branch