



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC RP AAT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The tenants applied for repairs to the unit, site or property, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and for an order directing the landlord to allow access to the unit or site for the tenant or their guests.

The tenant, an agent for the landlord, AP (agent), and a building manager for the landlord, RC (building manager) attended the teleconference hearing and gave affirmed testimony. The hearing process was reviewed and both parties were given the opportunity to provide affirmed testimony. The tenant had a witness, WW (witness) who was not called to testify during the hearing.

Preliminary and Procedural Matters

In terms of service of documentary evidence, the tenant confirmed that they did not serve the landlord with their documentary evidence, as required by Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 3.1(d). As a result of the agent confirming that they were not served with documentary evidence, the package served on the RTB is excluded in full as it was not served on the respondent by the tenant.

In addition, the parties confirmed their respective email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them.

Rule 2.3 authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the tenant indicated several matters of dispute on the application, the most urgent of which is their application for repairs to the unit, site or property and is the reason for the expedited hearing scheduled this date, after the

application was filed on February 9, 2022. I find that not all the claims on the tenant's application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant request for repairs to the unit, site or property at this proceeding. The balance of the tenant's application is **dismissed, with leave to re-apply**.

As the filing fee was already waived, it will not be addressed further.

Issue to be Decided

- Is this application premature?

Background and Evidence

The tenant's request for repairs states as follows:

<input checked="" type="checkbox"/> I want the Landlord to make repairs, that I requested in writing
Please describe what you want repaired and include a copy of the written request to the landlord: <i>Landlord refuses to fix the malfunctioning door buzzer/intercom to allow access to guests in building in 3 years.</i>

The tenant was asked when they first submitted their request for repairs in writing to the landlord. The tenant first stated August 2019 and later changed their testimony to September 2021 and added the words "probably." The tenant then clarified that their first request was a verbal request and that the only request in writing was a work request form. As a result, the landlord was asked if there were any requests or letters submitted in writing by the tenant including work request forms. The building manager responded that they did not recall anything in writing from the tenant regarding a door buzzer or intercom repair. The agent testified that they reviewed the work requests and did not see any relating to a door buzzer or intercom repair.

As the tenant did not submit a copy of a work request form, I the parties were advised that I found this application to be premature, which I will address further below.

The tenant was asked if the repair is still required, and the tenant stated they were not sure, which I will address further below.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I find that the tenant's application is premature, due to the fact that the tenant could not produce any written record of submitting a work request and given the testimony by the building manager and agent that they either do not recall any written requests for a door buzzer/intercom repair or letter requesting such a repair.

As the tenant was not sure if the door buzzer/intercom was functioning at the time of the hearing, I grant the tenant leave to reapply should a repair request be required. I encourage the tenant to put all requests for repair in writing so that the tenant is in a position to provide evidence of the date, time and details of each of their requests. The landlord has a reasonable time from the receipt of all requests for repairs to respond to the tenant request for repair.

Conclusion

The tenant's application is premature. The tenant is granted leave to reapply if the door buzzer/intercom repair is still required.

This decision will be emailed to both parties at the email addresses confirmed at the outset of the hearing.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: May 17, 2022

Residential Tenancy Branch