



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

xxxxxx658 (primary) - **RP, CNC, PSF, LRE, OLC, FFT**

xxxxxx605 (second) - **OPC, FFL**

xxxxxx494 (third) - **MNDCT, CNC, LRE, OLC, LAT, FFT**

This hearing dealt with two applications by the tenant under the *Residential Tenancy Act* (the *Act*). The primary application is for the following:

- An order requiring the landlord to carry out repairs pursuant to section 32;
- Cancellation of One Month Notice to End Tenancy for Cause ("One Month Notice") pursuant to section 47;
- An order requiring the landlord to provide services or facilities required by the tenancy agreement or law pursuant to section 62(3);
- An order to restrict or suspend the landlord's right of entry pursuant to section 70;
- An order requiring the landlord to comply with the *Act* pursuant to section 62;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

This hearing dealt with an application by the tenant ("the third application") under the *Residential Tenancy Act* (the *Act*) for the following:

- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- Cancellation of One Month Notice to End Tenancy for Cause ("One Month Notice") pursuant to section 47;

- An order to restrict or suspend the landlord's right of entry pursuant to section 70;
- An order requiring the landlord to comply with the Act pursuant to section 62;
- An order to authorize the tenant to change the lock pursuant to section 31;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

This hearing also dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- An order for possession under a One Month Notice to End Tenancy for Cause ("One Month Notice") pursuant to sections 47 and 55;
- Authorization to recover the filing fee for this application pursuant to section 72.

The tenant WKM attended along with the landlord HH. Both parties were given an opportunity to present evidence, make submissions and call witnesses. I explained the hearing process and provided the parties with an opportunity to ask questions.

Preliminary Issue – Service

Each party denied service of the other party's documents. Considerable time was spent during the hearing discussing each party's objections to the submissions of the documents of the other.

Preliminary Issue – Identification of Tenant

The tenant WMK attended and confirmed he is also known as WM and WK ("the tenant")

Preliminary Issue – Dismissal of Third Application

At the outset, I noted that the name of the applicant and the respondent in the Third Application is the same, the tenant.

Accordingly, I dismiss the Third Application without leave to reapply.

Preliminary Issue – Jurisdiction

The tenant submitted a copy of a tenancy agreement upon which their claim is based. The agreement states in section 2 that the tenancy starts on October 1, 2019 and ends on October 1, 2060.

The Act states as follows:

What this Act does not apply to

4 This Act does not apply to

...

... (i) living accommodation rented under a tenancy agreement that has a term longer than 20 years,...

As the term of this agreement is longer than 20 years, I find I do not have jurisdiction to hear these applications.

Accordingly, these applications are dismissed without leave to reapply.

Conclusion

The applications are 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 20, 2022

Residential Tenancy Branch