



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

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

DECISION

Dispute Codes OLC FFT

Introduction

This dispute relates to a tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for the following:

1. Order directing the landlord to comply with the Act, Regulation or tenancy agreement,
2. Filing fee of \$100.

The parties listed on the cover page of this decision appeared at the teleconference hearing. The hearing process was explained to the parties and the parties were affirmed. The parties were also provided the opportunity to ask questions.

Preliminary and Procedural Matters

After service was addressed, the hearing continued. Words utilizing the singular shall also include the plural and vice versa where the context requires.

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.

Also, the parties were advised that the tenant's application was being refused, pursuant to section 59(5)(c) of the Act because their application for dispute resolution did not provide sufficient particulars of their claim for compensation, as is required by section 59(2)(b) of the Act.

Furthermore, the tenant was advised that the landlord is required to warn tenants if their actions, related to smoking or other actions, impact other tenants or cause other tenants to complain about the impact others are having on them. As a result, I find the tenant's

application in relation to warning letters is moot as the landlord has not issued a 1 Month Notice to End Tenancy for Cause (1 Month Notice). If the landlord does issue the tenant a 1 Month Notice, the remedy for the tenant under the Act is to file an application to dispute that 1 Month Notice within the timelines set out under the Act.

I do not grant the filing fee given the above.

Conclusion

The tenant's application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the Act and as stated above. The tenant is at liberty to reapply but are reminded that they must provide sufficient details in their application as they may not rely on evidence to explain why the application is being made. Failure to do so could result in the application being refused again with leave to reapply not being granted. The application must provide enough details for the respondent and arbitrator to fully understand the remedy being sought and why.

The filing fee is not granted. This decision will be emailed to both parties as indicated above.

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 29, 2023

Residential Tenancy Branch