



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

### **Dispute Codes:**

MNR; MNDC; OLC; ERP; PSF; RP; LRE

### **Introduction**

This is the Tenant's application for a Monetary Order for the cost of emergency repairs; for compensation for damage or loss under the Act, Regulation or tenancy agreement; an Order that the Landlord comply with the Act, Regulation or tenancy agreement; an Order that the Landlord make regular and emergency repairs to the rental unit; an Order that the Landlord provide services or facilities required by law; and an Order suspending or setting conditions of the Landlord's right to enter the rental unit.

The parties gave affirmed testimony at the Hearing.

The Tenant testified that the Notice of Hearing documents were sent to the Landlord's address for carrying on business, by registered mail, on December 28, 2012. He stated that he provided the Landlord's agent with copies of his documentary evidence on January 24, 2013. The Landlord's agent acknowledged service in this manner.

The Tenant stated that he did not provide the Landlord's agent with the second evidence package containing the second CD that was provided to the Residential Tenancy Branch. Therefore, this CD was not considered.

The Landlord's agent stated that she posted copies of the Landlord's evidence package to the Tenant's door on January 23, 2013. The Tenant acknowledged receipt of the documents.

Neither party wished an adjournment in order to have time to consider the other's documentary materials.

### **Preliminary Matters**

At the outset of the Hearing, the Tenant's application was amended to include the name of the owner of the rental property.

The Tenant stated that he was in the process of moving out of the rental unit and expected to be finished moving on the day of the Hearing. Therefore, his application for an Order suspending or setting conditions on the Landlord's right to enter the rental is **dismissed**.

### **Issues to be Decided**

- Is the Tenant entitled to monetary compensation?
- Should the Landlord be ordered to comply with the Act and remove pigeon feces and mould from the rental property?
- Should the Landlord be ordered to provide services or facilities required by law?

### **Background and Evidence**

The Tenant provided his testimony. The Landlord's agent started providing testimony but the time allotted for the Hearing did not allow her to finish. Therefore, I adjourned the Hearing to a time and date to be determined.

The Tenant's and the Landlord's submissions will be provided on my final Decision after hearing both parties fully.

I advised the parties that no further documentary evidence would be accepted.

### **Conclusion**

The Tenant's application for an Order suspending or setting conditions on the Landlord's right to enter the rental is **dismissed**.

This matter is adjourned to the time and date provided on the enclosed Notice of Reconvened Hearing. The Residential Tenancy Branch will mail a copy of the Notice to each party along with this Interim Decision. The Tenant is not required to serve the Landlord with a copy of the Notice.

No further documentary evidence will be accepted by either party.

This interim 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: February 07, 2013

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Residential Tenancy Branch

