

DECISION

Dispute Codes CNR, RP, O

Introduction

This hearing was convened by way of conference call to deal with an application by the tenant to cancel a Notice to end Tenancy, to obtain an order that the landlord make repairs to the unit, and to obtain an order that the landlord not give unfavourable references to future perspective landlords.

At the outset of the hearing, the representative for the tenant/applicant requested an adjournment due to the illness of the tenant. The tenant had submitted as evidence a copy of a physician's note indicating that she would not be able to attend the hearing, but a copy was not provided to the landlord in advance of the hearing.

The landlord did not dispute the adjournment application however the tenant moved out of the unit on or about January 31, 2010. Further, the landlord stated that no perspective landlords have asked her for a reference for this tenant.

Issues(s) to be Decided

Should the tenant be permitted an adjournment for health reasons?

Should the Notice to End Tenancy be cancelled?

Should an order be made requiring the landlord to make repairs to the unit?

Background and Evidence

The parties do not dispute the fact that the tenant is no longer residing at the dispute address.

The landlord stated that another Dispute Resolution Hearing is scheduled for these parties in April, 2010 to deal with the landlord's application for unpaid rent and/or utilities. This application is not before me, and is not dealt with in this decision.

Analysis

Since the tenant is no longer residing at the residence, there is no point to her application to cancel a Notice to End Tenancy, nor her application for an order that the landlord make repairs to the unit. For that reason, the applicant's request for an adjournment of today's hearing is hereby dismissed.

I have no authority under the *Act* to make an order with respect to letters of reference from this landlord.

This decision in no way affects the hearing scheduled to take place in April, 2010 with respect to the landlord's application for a monetary order for unpaid rent and the security deposit.

Conclusion

I hereby dismiss the tenant's application to cancel a Notice to End Tenancy, without leave to reapply.

The tenant's application for an order that the landlord make repairs to the unit is hereby dismissed, without leave to reapply.

The tenant's application for an order that the landlord not give unfavourable letters of reference is hereby 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: March 01, 2010.

Dispute Resolution Officer