

DECISION

Dispute Codes DRI, MNDC, RR, FF

Introduction

This conference call hearing was convened in response to the tenant's application to dispute an additional rent increase; a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement; to allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided; and to recover the filing fees associated with this application.

Issue(s) to be Decided

Should the rent increase be disallowed?

Is the tenant entitled to a Monetary Order, and for what amount?

Is the tenant entitled to a rent reduction?

Is the tenant entitled to recover the filing fee?

Background and Evidence

The rental unit consists of an apartment in a multi-unit complex. At the outset, the tenant testified that the apartment complex burned down since he filed his application for dispute resolution. The tenant's social worker clarified that the tenant was hospitalized before the fire, and that the tenant will remain there for another week or two. She stated that she is there to assist the tenant in part with finding alternative accommodations.

The landlord confirmed that the fire occurred on November 3rd, 2011; he stated that he notified all tenants that the tenancies ended, and that Social Services, the Red Cross and the Salvation Army are actively involved in relocating the tenants. He said that 30 of approximately 40 tenants have already been relocated, and that the complex will not be

ready for occupancy for approximately 4 to 5 months. He also said that rent was no longer collected beyond November 3rd and that naturally the rent increase he was seeking no longer applies.

Analysis

Based on the evidence I find that this tenancy ended on November 3rd, 2011, and that the parties are no longer under a tenancy agreement; therefore the dispute over the rent increase as well as the maintenance and repairs is no longer relevant to this tenancy.

Conclusion

I find that the rental unit is no longer habitable and that the tenancy agreement ended on November 3rd, 2011.

The tenant's application is therefore dismissed.

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: November 29, 2011.

Residential Tenancy Branch