



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Belmont Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, MNDC, ERP, RP, LRE and O

Introduction

This hearing was convened on the tenant's application of April 29, 2013 seeking to have set aside a two-month Notice to End Tenancy for landlord use dated April 24, 2013 and setting an end of tenancy date of July 1, 2013.

The tenant also sought a monetary award for loss or damage under the rental agreement, orders for repairs and emergency repairs, an order limiting the landlord's access to the rental unit and other matters.

Rule 2.3 under the Rules of Procedure authorizes an arbitrator to dismiss, with or without leave, unrelated disputes contained in a single application. In the present matter, I had found that the issue of the Notice to End Tenancy was paramount and advised the parties that I would deal only with that matter in the present session. While I had initially intended to adjourn, I note that Rule 2.3 only provides the option to dismiss with or without leave to reapply.

As it was, the tenant had invoked her right under section 50 of the Act to give 10-day notice to end the tenancy on May 16, 2013. As a result, the balance of the tenant's application with the exception of the monetary claim became moot. Therefore, given the substantial of evidence that is no longer pertinent, I dismiss the remainder of the tenant's application with leave to reapply on the unresolved monetary claims.

In so doing, I have cautioned the tenant to review her three recent hearings carefully to avoid proceeding with claims that may have been previously dismissed without leave to reapply, rendered moot by the end of the tenancy, or previously decided upon.

Conclusion

The tenant's request to set the Notice to End Tenancy aside was rendered moot by her having given notice and leaving the tenancy on May 16, 2013.

By virtue of the tenancy having ended, the tenant's claims with respect to repairs and limiting landlord access have also become moot.

The balance of the tenant's application seeking monetary compensation is dismissed with 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: May 24, 2013

Residential Tenancy Branch