



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

By application of May 9, 2013, the tenants sought to have set aside a 10-day Notice to End Tenancy for unpaid rent dated May 6, 2013. The tenants also sought a monetary award for services rendered dating back to July 2009, an order that the landlord comply with the legislation and/or rental agreement and recovery of the filing fee for his proceeding.

At the commencement of the hearing, the parties advised that the tenancy had ended on April 29, 2013 under an order from the fire department following a fire in the rental unit on April 28, 2013.

The parties concurred that the tenancy had come to an end under the doctrine of frustration and that there is no need for an Order of Possession.

The landlords stated that they had served the 10-day Notice to End Tenancy for unpaid rent on May 6, 2013 in order to substantiate a claim for unpaid rent. They were advised that to have the claim for unpaid rent adjudicated, they would have to make their own application for a Monetary Order and they are at liberty to do so.

Rule 2.3 under the *Rules of Procedure* provides that If the arbitrator determines that it is appropriate to do so, the arbitrator may dismiss unrelated disputes contained in a single application with or without leave to reapply.

I find that the tenants' claims for a monetary award for services rendered is not related to the primary matter in dispute which was, in fact, based on the Notice to End Tenancy which was served after the tenancy had ended. Similarly, the tenants' request for an order for landlord compliance is rendered moot by the tenancy having ended.

Therefore, the tenants' application is dismissed with leave to reapply on the monetary claims.

The landlords remain at liberty to make application for a monetary award for the unpaid rent.

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: June 04, 2013

Residential Tenancy Branch

