



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

### **Dispute Codes:**

OPC, MNDC, MNSD

### **Introduction**

This hearing was convened to deal with an Application for Dispute Resolution by the landlord for an order of possession Based on a One-Month Notice to End Tenancy for Cause dated June 4, 2013. The landlord was also seeking to keep the tenant's security deposit.

The landlord appeared. Although the tenant was served, the tenant did not appear.

At the outset of the hearing, the landlord advised that the tenant had already vacated the rental unit. Therefore the landlord no longer seeks an Order of Possession.

### **Issues to be Determined**

Is the landlord entitled to monetary compensation?

### **Background and evidence**

The tenancy began approximately one year ago. The rent was \$750.00 and a security deposit of \$375.00 was paid. According to the landlord, the tenant has recently vacated leaving no written forwarding address.

In regard to the landlord's monetary claim, no evidence was submitted. Section 59(2) of the Act states that an application for dispute resolution must be in the applicable approved form and include full particulars of the dispute that is to be the subject of the dispute resolution proceedings and 59(5) states that the application may be declined if, in the arbitrator's opinion, the application does not disclose a dispute that may be determined or the application does not comply with section 59(2).

The Residential Tenancy Rules of Procedure, Rule 2.3 states that, in the course of the dispute resolution proceeding, if the arbitrator determines that it is appropriate to do so,

he or she may dismiss the unrelated disputes contained in a single application with or without leave to reapply.

In this instance, I found that the landlord's monetary claim pertained to a separate and distinct section of the Act that was not connected to the One Month Notice to End Tenancy for Cause.

Accordingly, I find that the monetary portion of this application should be severed and the matter must be dealt with through an application under section 67 of the Act. Therefore the landlord's request for a monetary order is dismissed with leave to reapply

Given the above, I find that the termination of tenancy dispute had been successfully resolved before the hearing date and there is no reason to proceed with the Dispute Resolution hearing. The claim for monetary compensation is hereby dismissed with leave to reapply.

### **Conclusion**

One issue that is the subject of this hearing has been rendered moot by the fact that the tenant has already vacated the rental unit and the other issue is severed and dismissed with leave, as it is unrelated to the primary dispute before me.

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: July 23, 2013

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Residential Tenancy Branch