



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SHARMAYA PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, MNDC, OLC, LRE, O

Introduction

This hearing was scheduled to deal with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause; compensation for repairs made by the tenant; Orders for the landlord to comply with the Act; Orders to suspend or set conditions on the landlord's right to enter the rental unit; and, authorization to reduce rent. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary and Procedural Matters

I have amended the application by to reflect the correct the spelling of the named landlords and included the name of the corporate landlord as identified on the 1 Month Notice and tenancy agreement.

At the outset of the hearing, heard from the parties that since filing this Application the tenant paid rent for March 31, 2014 and gave the landlord notice that she will be vacating the unit by March 31, 2014. The landlord accepted the rent and the end of tenancy as of March 31, 2014. The landlord orally requested an Order of Possession effective March 31, 2014.

Since the tenancy is ending in the near future, the tenant indicated the majority of the issues identified on the Application are moot, with the exception of claiming reimbursement of certain costs she has incurred.

With respect to reimbursement for repairs, I heard the tenant gave her supporting documentation to the spouse of one of the named landlords just yesterday. This service does not comply with the requirements of the Act and was given much too late to be accepted without prejudicing the landlord. Accordingly, I excluded the tenant's evidence that was submitted to the Branch from further consideration.

The Act requires an applicant to provide sufficient particulars in filing their Application for Dispute Resolution and the Rules of Procedure require an applicant to serve evidence upon the other party and the Branch within certain time limits. In the absence of details of dispute that describe the specific repairs made by the tenant for which she is seeking compensation, or any other written submission or corroborating evidence served within the time permitted to do so, I find the tenant did not provide sufficient particulars to proceed. As such, I have dismissed the tenant's application without leave to reapply.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenant filed to dispute a 1 Month Notice to End Tenancy for Cause (the Notice) issued on January 26, 2014 with a stated effective date of February 28, 2014. The tenant filed to dispute the Notice within the time limit for doing so.

During the hearing it was confirmed that the tenant has given the landlord notice that she will vacate the rental unit as of March 31, 2014 and the tenant has paid rent for the month of March 2014. The landlord has accepted the rent for the month of March 2014 and that the tenancy shall end effective March 31, 2014.

Analysis

As the parties are agreeable to ending the tenancy as of March 31, 2014 I find it a moot issue to determine whether the 1 Month Notice should be upheld or cancelled and I dismiss the tenant's application for cancellation of the Notice..

Section 55 of the Act provides that an Order of Possession shall be granted to a landlord where:

- The tenant files to cancel a notice to End Tenancy and the application is dismissed; and,
- The landlord orally requests an Order of Possession during the scheduled hearing.

I find the criteria of section 55 of the Act have been met and I provide the landlord with an Order of Possession effective as of 1:00 p.m. on March 31, 2014.

Conclusion

The tenant's application has been dismissed in its entirety and the landlord has been provided an Order of Possession effective March 31, 2014.

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 12, 2014

Residential Tenancy Branch

