



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FRASERSIDE COMMUNITY SERVICES SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNQ, MT, MNDC, RPP

Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the "Application") made by the Tenant: to cancel a notice to end tenancy because the Tenant no longer qualifies for subsidized housing; for more time to cancel the notice to end tenancy; for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement; and, for the return of the Tenant's personal property.

The Tenant and an agent for the Landlord appeared for the hearing and provided affirmed testimony. No issues in relation to the service of documents under the Act by the Landlord and the Tenant were raised in the hearing.

The Landlord provided a large amount of documentary evidence prior to the hearing. However, the Tenant only provided written evidence relating to the service of the Notice of Hearing documents.

The Tenant explained that he had moved out of the rental suite and the Landlord's agent confirmed that he had taken possession of the rental suite. As the Tenant has now moved out of the rental suite and the tenancy has ended, the Tenant's Application to cancel the notice to end tenancy and for more time to cancel the notice is now a moot issue and there are no legal findings for me to make in respect to these portions of the Tenant's Application.

In relation to the Tenant's Application for his monetary claim and for the return of his personal property, the Tenant explained that he was in the process of gathering his evidence in relation to this and had made a number of Freedom of Information requests which had not been returned and these were imperative for his case. The Tenant was unable to confirm when this written evidence would become available and explained that he would require the assistance of his advocate to present this evidence. The

Tenant requested an adjournment of these proceedings for these purposes during the hearing.

However, it is my decision that as the Tenant is unable to determine when his written evidence is going to be available and no documentary evidence was submitted by the Tenant for this hearing, I find that it is a more appropriate remedy for the Tenant to make his Application when his written evidence becomes available. As a result, I provide the Tenant leave to re-apply for these portions of his Application.

Conclusion

For the above reasons, I dismiss the Tenant's Application to cancel the notice to end tenancy.

The Tenant's Application for his monetary claim and return of personal property is dismissed **with** leave to re-apply.

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: October 01, 2014

Residential Tenancy Branch

