



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, O, CNC, CNRM MNDC, MT, LRE, & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing filed by each party was sufficiently served on the other. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling a 10 day Notice to End Tenancy?
- b. Whether the tenant is entitled to an order cancelling a one month Notice to End Tenancy?
- c. Whether the tenant is entitled to an order suspending or setting conditions on the landlord's right to enter the rental unit?
- d. Whether the tenant is entitled to a monetary order and if so how much?
- e. Whether the tenant is entitled to an order to recover the cost of the filing fee?
- f. Whether the landlord is entitled to an Order for Possession?
- g. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

At the end of March 2013 the parties entered into a fixed term written tenancy agreement that provided that the tenancy would start on May 1, 2014 and end on May

312, 2015. Neither party produced a copy of the tenancy agreement and it was not clear what the monthly rent is.

During the last couple of weeks of July a dispute arose between the parties over the presence of a guest in the tenant's rental unit. The guest was homeless due to a fire in her rental unit. The landlord wanted to charge extra for the guest. The dispute escalated. There have been a number of hearings. In one hearing the landlord obtained an Order for Possession and a monetary order for non-payment of rent. The tenant's application for review was successful. Those files are set for hearing on November 4, 2014 before another arbitrator.

The tenant vacated the rental unit at the end of September.

Tenant's Claims:

I dismissed the tenant's claims to cancel the 10 day Notice to End Tenancy, to cancel the one month Notice to End Tenancy, and for an order setting conditions on the landlord's right to enter the rental unit without leave to re-apply as those claims are moot.

The Application for Dispute Resolution filed by the tenant seeks a monetary order in the sum of \$2480. However, at the hearing the tenant submitted a monetary claim form which has increased his claim to over \$5000. The tenant has not amended his Application to seeking that amount. Both parties want the monetary claims to be heard at the same time. As a result I dismissed the tenant's application for a monetary order with liberty to re-apply. If the tenant wishes his monetary claim to be heard he should immediately make another application fully setting out his claims and request that the Registry set it for the same time as the other hearings on November 4, 2014. The tenant must also serve the landlord with a copy of his newly filed Application for Dispute Resolution.

Landlord's Application - Order of Possession:

I dismissed the landlord's application for an Order for Possession as that issue is moot. The tenant has vacated the rental unit and the landlord has regained possession.

I dismissed the application of both parties to recover the cost of the filing fee as neither was successful in their application.

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 15, 2014

Residential Tenancy Branch

