



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Dispute Codes: CNC, CNR, 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.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord by mailing by registered mail to where the landlord resides on October 8, 2014. With respect to each of the applicant's claims I find as follows:

Issues to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling a one month Notice to End Tenancy?
- b. Whether the tenant is entitled to an order cancelling a 10 day 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 recover the cost of the filing fee?

Background and Evidence:

The tenancy began on October 15, 2012. The rent was \$1400 per month payable in advance on the first day of the month. The rent has since been increased to \$1431 commencing September 1, 2014. The tenant paid a security deposit of \$700 at the start of the tenancy.

The tenant gave notice at the end of September that they were vacating the rental unit the end of October. The tenants vacated the rental unit on the 15th of October.

Analysis

It is no longer necessary to consider the tenant's application as the tenant has vacated the rental unit and the issues are moot. Accordingly, I dismissed the tenant's application for an order to cancel the one month notice, for an order to cancel the 10 day notice, for an order to set conditions on the landlord's right to enter the rental unit and to recover the cost of the filing fee without liberty to re-apply.

The landlord stated she intends to bring a claim for non-payment of rent. However, the landlord has not filed such a claim as yet and as a result I cannot consider such a claim.

In the details of dispute the tenant refers to a claim to recover the cost of electricity as the landlord used the tenant's electrical account for his workshop, harassment as the landlord entered the property without giving notice etc. I determined these claims were not properly set out in the Application as these claims were not itemized as required for a monetary order. The evidence produced by the tenant supporting these claims was insufficient. I ordered that those claims be severed from the within application with the tenant having liberty to re-apply.

Further, at the hearing the tenant stated she wanted an order for the return of the security deposit. However, the tenant has not yet provided the landlord with her forwarding address in writing. The tenant must provide the landlord with her forwarding address in writing and give the 15 days to file a claim before she can make a claim for the return of the deposit.

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: November 20, 2014

