



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, AAT

Introduction

This was a hearing with respect to the tenant's application concerning her eviction from the rental property. The hearing was conducted by conference call. The tenant called in and participated in the hearing with her agent. The landlord attended the hearing and was represented by legal counsel.

In the tenant's application, she alleged that she and her guest have been harassed by the landlord without justification. The tenant complained that the landlord has attempted to evict her without cause. At the hearing the tenant claimed that since her application was filed she has been unlawfully evicted. The tenant and her agent said that the tenant was seeking a monetary award to compensate her for the unlawful eviction and the damages she has suffered when the landlord improperly removed her belongings from the rental unit. The tenant did not claim a monetary award in her application and she has not submitted any documentary evidence in support of her claim.

The landlord filed an application to claim a monetary award from the tenant for unpaid rent and damage to the rental unit. The landlord sought to have his application scheduled to be heard as a cross application to be heard on August 20, 2015 with the tenant's application, but there was insufficient time to allow the landlord's application to be set for hearing with the tenant's claim; instead it was scheduled to be heard by conference call on October 21, 2015 at 11:00 A.M. by conference call.

Analysis

Because the tenancy has ended and the tenant has not made a monetary claim in her application, I have determined that the tenant's application should be dismissed with leave to reapply. The tenant and her agent were advised to have a new application scheduled to be heard on October 21, 2015 as a cross application to the application

brought by the landlord. The landlord agreed that it was appropriate to dismiss the tenant's application with leave to reapply.

Conclusion

The tenant's application is dismissed with leave to reapply.

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: August 24, 2015

Residential Tenancy Branch

