



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KINGSEN HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MT CNL MNR MNDC RR

Introduction

The tenants applied under the *Residential Tenancy Act* (the “*Act*”) for more time to make an application to cancel a notice to end tenancy, to cancel a 2 Month Notice to End Tenancy for Landlord’s Use of Property (the “2 Month Notice”) dated September 30, 2015, for a monetary order for the cost of emergency repairs, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to allow for a rent reduction for repairs, services, or facilities agreed upon but not provided.

The tenants, legal counsel for the landlord and a caretaker for the landlord attended the teleconference hearing. At the start of the hearing I introduced myself and the participants and the hearing process and an opportunity to ask questions was provided to the parties. The parties were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony evidence and to make submissions to me.

Preliminary and Procedural Matter

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the tenants indicated more than one matters of dispute on the Application for Dispute Resolution, the most urgent of which is the application for more time to make an application to set aside a notice to end tenancy and to set aside a 2 Month Notice. I find that not all the claims on this Application for Dispute Resolution are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenants’ request for more time to make an application to set aside a notice to end tenancy and to set aside the 2 Month Notice dated September 30, 2015, at this proceeding. The balance of the tenants’ application which includes a monetary claim for \$1,300 is dismissed, **with leave to re-apply**.

Issue to be Decided

- Should the 2 Month Notice to End Tenancy for Landlord's Use of Property be cancelled?

Background and Evidence

The parties agreed that the tenants had vacated the rental unit on November 3, 2015, in advance of the hearing date. As a result, there was no need to consider any additional evidence as this matter is now moot.

The parties were advised that they were given an expedited hearing based on the tenants' request for more time to make an application to cancel a notice to end tenancy and to cancel a 2 Month Notice. As the tenancy has ended by way of the tenants deciding to accept the 2 Month Notice and vacating the rental unit accordingly on November 3, 2015, this matter is now concluded.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I dismiss the tenants' application for more time to make an application to cancel a notice to end tenancy and to cancel the 2 Month Notice as the tenants confirmed that they ultimately accepted the 2 Month Notice and vacated the rental unit which ended the tenancy on November 3, 2015.

Conclusion

The tenants' application is dismissed as it is now moot given that the tenancy ended by the tenants' actions of vacating the rental unit on November 3, 2015.

As indicated above, the portion of the tenants' application that was severed in accordance with section 2.3 of the Rules of Procedure is dismissed with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: December 9, 2015

Residential Tenancy Branch

