



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 681549 B.C. LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNR, MNR, MNDC, RR, O, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking more time to cancel a notice to end tenancy, to cancel a notice to end tenancy, a monetary order; and a rent reduction.

The hearing was conducted via teleconference and was attended by the tenant and the landlord's agent.

The hearing was originally convened with a different Arbitrator who granted an adjournment for medical reasons identified by the tenant. The original Arbitrator ordered the tenant to provide medical documentation to confirm the medical reasons. Medical documentation was provided.

Residential Tenancy Branch Rule of Procedure 2.3 states that claims made in an Application for Dispute Resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

It is my determination that the priority claim regarding the 10 Day Notice to End Tenancy for Unpaid Rent and the continuation of this tenancy is not sufficiently related to the tenant's monetary claim and claim for a rent reduction. The parties were given a priority hearing date in order to address the question of the validity of the Notice to End Tenancy.

The tenant's other claims are unrelated in that the basis for them rest largely on facts not germane to the question of whether there are facts which establish the grounds for ending this tenancy as set out in the 10 Day Notice. I exercise my discretion to dismiss the tenant's claim for a monetary order and a rent reduction. I grant the tenant leave to re-apply for his other claims.

During the course of the hearing the tenant submitted that he would be vacating the rental unit within the next few days. He agreed, as a result, that he no longer needed to dispute the Notice. The tenant stated he did not object to the landlord receiving an order of possession.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to more time to apply to cancel a notice to end tenancy; to cancel a 10 Day Notice to End Tenancy for Unpaid Rent; and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 66, 67, and 72 of the *Residential Tenancy Act (Act)*.

Should the tenant be unsuccessful in seeking to cancel the 10 Day Notice to End Tenancy for Unpaid Rent it must also be decided if the landlord is entitled to an order of possession pursuant to Section 55(1) of the *Act*.

Conclusion

Based on the tenant's agreement I dismiss the tenant's Application for Dispute Resolution and I grant the landlord an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: March 03, 2016

Residential Tenancy Branch

