



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROYAL PROVIDENCE MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNR MNDC FF

Introduction

The tenants applied under the *Residential Tenancy Act* (the “*Act*”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”) dated February 19, 2016, for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee under the *Act*.

Tenant N.P. and two agents for the landlord (the “agents”) attended the teleconference hearing. At the start of the hearing I introduced myself and the participants and parties were given an opportunity to ask questions. 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 matter of dispute on the Application for Dispute Resolution, the most urgent of which is the tenants’ request to set aside a 10 Day Notice and is the reason why the tenant was granted an expedited hearing. 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 to cancel the 10 Day Notice and for the recovery of the cost of the filing fee at this proceeding. The balance of the tenants’ application which includes a monetary claim for \$1,175.00 is dismissed, **with leave to re-apply**.

Issues to be Decided

- Should the 10 Day Notice dated February 19, 2016 be cancelled?
- Are the tenants entitled to the recovery of the cost of her filing fee under the *Act*?

Background and Evidence

The parties agreed that the tenants had vacated the rental unit on March 31, 2016, in advance of the hearing date which was held on this date, April 13, 2016. As a result, there was no need to consider any additional evidence as this matter is now moot.

The parties were advised that the tenant was granted an expedited hearing based on the tenant's request to cancel a 10 Day Notice. As the tenancy has ended by way of the tenants deciding vacate the rental unit on March 31, 2016, 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 to cancel the 10 Day Notice as the tenants vacated the rental unit on March 31, 2016.

Conclusion

The tenants' application is dismissed as it is now moot given that the tenants vacated the rental unit on March 31, 2016.

As indicated above, the monetary claim 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.

I do not grant the tenants the recovery of the cost of the filing fee as the tenants' application has been dismissed due to the tenants vacating the rental unit.

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: April 13, 2016

Residential Tenancy Branch