



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes MT, CNC, PSF, MNDC, 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; an order to have the landlord provide services and facilities; and a monetary order. The hearing was conducted via teleconference and was attended by the tenant; the landlord and his agent.

The landlord attended the hearing only to ensure that it was alright for his agent to represent him at the hearing. I acknowledged that his agent could do so. The landlord then left the hearing.

The tenant clarified at the outset of the hearing that she was actually applying to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and not a 1 Month Notice to End Tenancy for Cause as she had indicated on her Application for Dispute Resolution. As such, I amend the tenant's Application to exclude a 1 Month Notice and include a 10 Day Notice to End Tenancy for Unpaid Rent. The tenant also clarified that despite stating on her Application for Dispute Resolution that she received the landlord's Notice to End Tenancy on April 4, 2016 she actually received it on May 4, 2016.

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 claim for compensation or for her request for services and facilities. 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 compensation and services and facilities. I grant the tenant leave to re-apply for these other claims.

I note that Section 55 of the *Residential Tenancy Act (Act)* requires that when a tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a landlord I must consider if the landlord is entitled to an order of possession if the Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with the *Act*.

#### Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to more time 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, 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*.

#### Background and Evidence

During the hearing the parties reached the following settlement:

1. The tenant will vacate the rental unit as of today's date – June 7, 2016

#### Conclusion

In support of this settlement and with agreement of both parties I grant the landlord an order of possession effective **June 7, 2016 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: June 07, 2016

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Residential Tenancy Branch