



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Cariboo Garden Apts
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNC, RP, RPP, OPC

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”).

The Tenant applied for:

1. An Order for more time to cancel a notice to end tenancy - Section 66
2. An Order cancelling a notice to end tenancy - Section 47;
3. An Order for repairs to the unit - Section 32; and
4. An Order for the Landlord to return the Tenant’s property - Section 67.

The Landlord applied for:

1. An Order of Possession - Section 55.

After waiting for 10 minutes from the scheduled time of the hearing the Tenant did not attend to pursue its claim. As a result I dismissed the application. The Landlord appeared at the scheduled time and confirmed that the Tenant moved out of the unit as it was discovered vacant on July 2, 2016. As the Landlord has possession of the unit I dismiss the Landlord’s application.

On July 7, 2016 the Landlord provided evidence to the Residential Tenancy Branch (the “RTB”) for this hearing of damages left to the unit. The Landlord indicates that it wishes to have this claim heard today.

Rule 4.1 of the RTB Rules of Procedure provides that an application may be amended to add claims to the original application by filing a completed Amendment to an Application for Dispute Resolution. Rule 2.3 provides that claims made in an application

must be related to each other. As the Landlord did not make file an Amendment to the original application and as the matter of damages to a unit at the end of a tenancy is not related to an order of possession claimed while a tenancy is ongoing, I decline to consider the Landlord's claim for damages to the unit. The Landlord remains at liberty to pursue an application in relation to damages to the unit at the end of the tenancy. It is noted that the Landlord indicated its displeasure with not being able to have the claim heard today.

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: July 14, 2016

Residential Tenancy Branch