



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PW COMOX DEVELOPMENT LP AND PW COMOX HOLDINGS LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MNDC, OLC, PSF, RP, RR, FF

### Introduction

This hearing dealt with cross applications. The landlord had applied for a Monetary Order for unpaid rent and storage fees against the tenant on April 13, 2016 and the tenant had applied for numerous remedies against the landlord on September 11, 2016 including: orders for compliance and repairs; orders for the landlord to provide services or facilities; authorization for a rent reduction; and, a Monetary Order for damage or loss under the Act, regulations or tenancy agreement.

At the outset of the hearing the parties provided consistent testimony that they expected this hearing to deal with the tenant's application but not the landlord's application. The landlord's agent stated that the landlord has had other hearings with respect to the landlord's claims against the tenant and that the landlord's application before me today had not been served upon the tenant and should have been cancelled. During the hearing I indicated to the parties that I was prepared to dismiss the landlord's application with leave. However, following the hearing a search of the Residential Tenancy Branch records show that the parties participated in a hearing and a review hearing that dealt with the landlord's claims for unpaid rent and storage on August 5, 2016 and September 15, 2016 respectively (file number referred to on the cover page of this decision). Accordingly, I dismiss the landlord's application without leave as the matter of unpaid rent and storage fees for March and April 2016 has already been heard and decided upon.

As for the tenant's application I heard that the hearing package was sent to the landlord via registered mail. The tenant had provided the Branch with a copy of a courier receipt dated September 14, 2016 as proof of service. At that time, courier service was deemed to be acceptable by the Director given the Canada Post labour dispute. The landlord's agent confirmed receipt of the tenant's application; however, the agent pointed out that the tenant has since moved out of the rental unit and the landlord was unprepared to deal with the tenant's monetary claim in the absence of any evidence from the tenant.

The tenant stated that her evidence had been stolen and that she had not served the landlord with any evidence. The tenant confirmed that she has since vacated the rental unit and many of the remedies she sought are now moot; however, she requested that her request for a Monetary Order be dismissed with leave. Since the landlord had not been served with any evidence by the tenant and acknowledged that the landlord did not expect to deal with the tenant's monetary claims at this hearing today I was satisfied that the landlord will not be unduly prejudiced if the tenant's request for monetary compensation were to be dismissed with leave. Therefore, the tenant's request for a Monetary Order against the landlord is dismissed with leave.

On another note, the style of cause of this decision reflects the tenant's name as used by the landlord in filing the landlord's application and the tenant's name used by the tenant in filing her application.

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: November 02, 2016

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Residential Tenancy Branch

