



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Extended Stay Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

O
CNL, OPT, AAT, FF, O

Introduction

This hearing was convened by way of conference call concerning applications made by the landlord and by the tenant. The landlord's application seeks an order that the *Residential Tenancy Act* does not apply to this tenancy. The tenant's application seeks an order cancelling a notice to end the tenancy for landlord's use of property; for an Order of Possession of the rental unit for the tenant; for an order allowing access to (or from) the rental unit for the tenant or the tenant's guests; and to recover the filing fee from the landlord for the cost of the application.

An agent for the landlord company attended the hearing, and legal counsel for the tenant also appeared with other legal counsel.

During the course of the hearing, the parties agreed that the tenant has vacated the unit. Therefore, I dismiss the tenant's application.

The landlord's agent submitted that the application of the landlord should still be heard so a determination can be made with respect to the jurisdiction of the Residential Tenancy Branch regarding the tenancy for future claims by the parties.

The *Residential Tenancy Act* states (underlining added):

Determining disputes

58 (1) Except as restricted under this Act, a person may make an application to the director for dispute resolution in relation to a dispute with the person's landlord or tenant in respect of any of the following:

- (a) rights, obligations and prohibitions under this Act;
- (b) rights and obligations under the terms of a tenancy agreement that
 - (i) are required or prohibited under this Act, or

- (ii) relate to
 - (A) the tenant's use, occupation or maintenance of the rental unit, or
 - (B) the use of common areas or services or facilities.

After hearing submissions from the parties, I found that any evidence or testimony considered would only provide an opinion or legal advice. The *Residential Tenancy Act* provides parties with an opportunity to be heard with respect to disputes between parties. As there is no dispute remaining between the parties, I dismiss the landlord's application.

Conclusion

For the reasons set out above, the tenant's application and the landlord's application are both hereby dismissed.

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 10, 2016

Residential Tenancy Branch