



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC OLC MNDC FF

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (the "Application") for remedy under the *Residential Tenancy Act* (the "*Act*"). The tenant applied to cancel a 1 Month Notice to End Tenancy for Cause dated September 26, 2016, for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, and for a monetary order in the amount of \$2,200.00 for compensation for loss of quiet enjoyment and to recover the cost of the filing fee from the landlord.

The tenant and the landlord attended the teleconference hearing. The parties were affirmed and the hearing process was explained to the parties. The parties were provided an opportunity to ask questions about the hearing process.

Neither party raised any concerns regarding the service of documentary evidence.

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 this circumstance the tenant indicated several matters of dispute on the Application and subsequent amendments to her original Application, the most urgent of which is the request to set aside the 1 Month Notice, which prompted the expedited hearing. I find that the tenant's request for monetary compensation is not sufficiently related to be determined during this proceeding. Therefore, I will be considering only the tenant's request to cancel the 1 Month Notice. Regarding the tenant's request for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, if the tenancy is ending, that portion will be dismissed without leave to reapply as it will be moot, and if the tenancy is continuing, the portion will be dismissed with leave to reapply. The remainder of the tenant's Application is **dismissed with leave to reapply**.

Background and Evidence

Once the tenant's Application had been severed the tenant testified that she vacated the rental unit on October 30, 2016, just three days before the date of the hearing.

Analysis

Based on the documentary evidence and the oral testimony provided during the hearing, and on the balance of probabilities, I find the following.

The tenant's Application was expedited due to her request to cancel a 1 Month Notice. Instead of waiting for the results of the hearing, the tenant decided to vacate the rental unit three days before the hearing. As the tenancy has now ended, **I dismiss** the tenant's Application for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, as it is now moot. In addition, **I dismiss** the tenant's Application to cancel the 1 Month Notice as the tenancy has ended and the matter is also moot.

As this portion of the tenant's Application was not successful, I do not grant the tenant the recovery of the cost of the filing fee.

Conclusion

The tenant's application for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, and to cancel the 1 Month Notice are dismissed.

The tenant is at liberty to reapply for their monetary claim as described above. I note that this decision does not extend any applicable timelines under the *Act*.

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: November 7, 2016

Residential Tenancy Branch