



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding AFFORDABLE HOUSING ADVISORY ASSOCIATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes            CNR, OLC, FF

### Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein he sought to cancel a Notice to End Tenancy for Unpaid Rent or Utilities issued on November 4, 2016 (the "Notice"), an Order that the Landlord comply with the *Residential Tenancy Act*, the Regulation or the tenancy agreement and to recovery the filing fee.

Both parties appeared at the hearing. The Corporate Landlord was represented by the property manager, N.C.

### Preliminary Matters

At the hearing the Landlord's property manager confirmed that the Tenant paid the outstanding rent on November 7, 2016, and as such did so within five days of being service the Notice. Accordingly, N.C. confirmed the Landlord no longer sought to end the tenancy based on the Notice and wished to formally withdraw the Notice.

The Tenant was cautioned that repeated late payment of rent may result in the Landlord issuing a 1 Month Notice to End Tenancy for Cause.

In the Details of Dispute Section on the Tenant's Application for Dispute Resolution, the Tenant indicates he is requesting a meeting with the Landlord and other renters. Such relief is not available under the *Residential Tenancy Act*, and I therefore decline this request. The Tenant was encouraged to discuss his concerns directly with the Landlord's representative, N.C.

Further, in the Details of Dispute Section on the Tenant's Application for Dispute Resolution, he references a hearing which is scheduled to take place on April 20, 2017, and at which time he will be pursuing his monetary claim for \$25,000.00. The file number for the April 20, 2017 hearing is noted on the unpublished cover page of this my decision. The Application giving rise to the April 20, 2017 hearing was filed on October 18, 2016 and includes the Tenant's request for an Order pursuant to section 62(3) that the Landlord comply with the *Residential Tenancy Act*, the Regulation or the tenancy agreement, as well as monetary compensation for breach of the Tenant's right to quiet enjoyment. The Tenant confirmed he had digital evidence which he intends to introduce at the April 20, 2017 hearing; that digital evidence was not before me.

The Tenant was given a priority hearing date as in his application filed November 4, 2016, he sought an Order cancelling a Notice to End Tenancy. The Landlord withdrew the Notice at the hearing such that the Tenant's request to cancel the Notice was no longer necessary.

In the November 4, 2016 application, giving rise to the hearing before me, the Tenant also requested an Order pursuant to section 62(3), which is the same relief as that requested in his October 18, 2016 application set to be heard April 20, 2017.

*Residential Tenancy Branch Rule of Procedure 2.3* provides 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 Notice and the continuation of this tenancy is not sufficiently related to the Tenant's other claims. Further, based on the submissions made by the Tenant, it appears that the Tenant's other claims will be heard in conjunction with his request for monetary compensation on April 20, 2017. Accordingly, I exercise my discretion to dismiss with leave to reapply the balance of the Tenant's claims made on his application filed November 4, 2016. It is my expectation that those claims will be dealt with on April 20, 2017; should that not be the case, the Tenant is at liberty to reapply.

### Conclusion

The Tenant paid the outstanding rent within five days of receiving the 10 Day Notice. Accordingly, the Landlord withdrew the Notice, such that the Tenant's request to cancel the Notice was no longer required.

The balance of the relief sought by the Tenant was also requested in a previous application by the Tenant, and which is set to be heard April 20, 2017. The Tenant's claim for an Order pursuant to section 62(3) is dismissed with leave to reapply should that relief not be dealt with at the April 20, 2017 hearing.

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: December 20, 2016

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Residential Tenancy Branch

