



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ERP MNDC OLC LRE LAT RR O

Introduction

The tenant originally submitted an Application for Dispute Resolution (the “Application”) under the *Residential Tenancy Act* (the “Act”) to for emergency repairs for health or safety reasons, for a monetary claim of \$2,000.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, to suspend or set conditions on the landlord’s right to enter the rental unit, for authorization for the tenant to change the locks to the rental unit, and for a rent reduction. Given the tenant’s claim for emergency repairs for health and safety reasons, an expedited hearing was scheduled for the tenants.

The tenants later submitted an amendment to change their Application by removing their claim for emergency repairs for health or safety reasons, for authorization to change the locks to the rental unit, to suspend or set conditions on the landlord’s right to enter the rental unit, and wanted to add a request for the landlord to comply with the Act, regulation or tenancy agreement.

The male tenant, a legal advocate for the tenants (the “advocate”), the landlord and legal counsel for the landlord (the “counsel”) attended the teleconference hearing. At the start of the hearing I introduced myself and the participants and parties were given an opportunity to ask questions. The male tenant confirmed that the tenants vacated the rental unit on February 28, 2017.

Preliminary and Procedural Matters

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 tenants indicated more than one matter of dispute on the Application for Dispute Resolution, the most urgent of which when the tenants applied on February 20, 2017 was for emergency repairs for health or safety reasons. The tenants were granted an expedited hearing based on their request for emergency repairs for health or safety reasons.

The fact that the tenants have since vacated the rental unit since filing their Application and have removed their claim for emergency repair negates no longer results in the need for an expedited hearing. In addition, counsel stated that the landlord did not receive the tenants' amendment until March 2, 2017. Counsel also stated that he attempted to seek an adjournment from the applicants and their advocate and his request for an adjournment was declined.

Given the above, I find the tenants' original claim for emergency repairs is now moot and that the remainder of the tenants' claim is **dismissed with leave to reapply** through the normal dispute resolution process and that the Application as amended does not qualify for an expedited hearing. I find that dismissing this application with leave to reapply will ensure a fair hearing for both parties with sufficient time to exchange evidence in accordance with the Rules of Procedure and that neither party will be prejudiced with my decision as the filing fee was waived.

Conclusion

The tenants' Application as amended is dismissed with leave to reapply.

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: March 15, 2017

Residential Tenancy Branch