



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNR, OPT,

Introduction

The tenants apply to cancel a one month Notice to End Tenancy given under s. 47(1)(a) of the *Residential Tenancy Act* (the “Act”) for an alleged non-payment of a pet damage deposit. The tenants also seek a monetary award for reimbursement for the cost of emergency repairs and for an order of possession.

It was determined at the outset of the hearing that the landlord had already obtained an order of possession on March 28, 2017, pursuant to the direct request process (file number shown on cover page of this decision), based on a ten day Notice to End Tenancy for unpaid rent. The tenants had applied for a review of that decision but were unsuccessful. It is not within my jurisdiction to review or reverse either the initial decision or the decision to refuse a review.

In these circumstances, the order of possession granted March 28 is presently a valid and enforceable order. The tenant Mr. F. states he is seeking judicial review of the earlier proceedings and intimates he is applying for a stay of the order. Nevertheless, at present the determination of the validity of the one month Notice in this proceeding is “moot,” it would serve no practical purpose.

In regard to the monetary claim for costs related to emergency repairs, the tenant Mr. F. reports that he has already recovered that money by unilaterally deducting it from rent money paid to the landlord on March 30 as rent for April or possibly as “occupation rent” paid for April.

In these circumstances the tenants’ application raises no active dispute for resolution. It must be dismissed.

This decision was rendered orally at hearing 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: April 20, 2017

Residential Tenancy Branch