



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT CNC MNDC OLC FF

Introduction

The tenant submitted an Application for Dispute Resolution (the “application”) under the *Residential Tenancy Act* (the “Act”) to cancel a 1 Month Notice to End Tenancy for Cause (the “1 Month Notice”), for more time to make an application to cancel a notice to end tenancy, for a monetary claim of \$7,500.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for an order directing the landlords to comply with the Act, regulation or tenancy agreement, and to recover the cost of the filing fee. Given the tenant’s application to cancel a 1 Month Notice and for more time to make an application to cancel a notice to end tenancy, an expedited hearing was scheduled for the tenant.

The tenant, the landlord X.L. and an agent/translator for the landlord 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 tenant confirmed he had already vacated the rental unit and due to a spelling error in his last application for monetary compensation against the landlords, he stated he was advised to reapply as that decision resulted in a monetary order that was not enforceable. The tenant referred to a previous decision and the file number has been included on the cover page of this decision for ease of reference.

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 more than one matter of dispute on the Application for Dispute Resolution, the most urgent of which when the tenant applied on April 5, 2017 was to cancel a 1 Month Notice and for more time to make an application to cancel a notice to end tenancy. The tenant was granted an expedited hearing based on their request to

cancel a 1 Month Notice and for more time to make an application to cancel a notice to end tenancy.

The fact that the tenant has vacated the rental unit no longer results in the need for an expedited hearing.

Given the above, I find the tenant's claim to cancel a 1 Month Notice and for more time to make an application to cancel a notice to end tenancy is now moot and that the remainder of the tenant's monetary claim is **dismissed with leave to reapply through the normal dispute resolution process.**

I do not grant the recovery of the cost of the filing fee as the request to cancel a 1 Month Notice and for more time to make an application to cancel a notice to end tenancy is now moot.

Conclusion

The tenant's Application for monetary compensation is dismissed with leave to reapply, with the exception of the recovery of the cost of the filing fee which is not granted.

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: May 11, 2017

Residential Tenancy Branch