



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, AS, CNR, ERP, FF, LAT, LRE, MNDC, MNR, MNSD, OLC,
OPT, PSF, RP, RPP, RR, OPR,

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord. Both files were to be heard together; however, even though I waited until well past the time at which the hearing was to start, the tenant did not join the conference call that was scheduled for the hearing, and therefore the tenant's application will be dismissed without leave to reapply.

I proceeded with the landlord's application however, because the landlord testified that he served the tenant with the application for dispute resolution and hearing package by registered mail that was mailed on May 16, 2017.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a monetary order and recovery of the filing fee.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the landlord the opportunity to give his evidence orally.

All testimony was taken under affirmation.

Issue(s) to be Decided

First of all it is my decision that I will not deal with all the issues that the applicant has put on this application.

Section 2.4 of the Residential Tenancy Rules of Procedure states:

Claims made in the application must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

In this case it is my finding that not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with request for an Order of Possession and the request for an order for outstanding rent and recovery of the filing fee, and I dismiss the remaining claims with liberty to re-apply.

Background and Evidence

The landlord testified that this tenancy began on October 1, 2016 with a monthly rent of \$800.00, due on the first of each month.

The applicant further testified that the tenant failed to pay the May 2017 rent and therefore, on May 2, 2017, he personally served the tenant with a 10 day Notice to End Tenancy for nonpayment of rent.

The applicant further testified that the tenant subsequently filed a dispute of the notice and therefore he filed this application for dispute resolution.

The applicant further testified that the tenant abandoned the unit on May 29, 2017 and he now has possession of the rental unit, and therefore an Order of Possession is no longer required.

The applicant further stated however, that the full May 2017 rent of \$800.00 is still outstanding, and he is requesting an order for that outstanding rent and recovery of his \$100.00 filing fee.

Analysis

As stated above, the tenant has vacated the rental unit and the landlord has possession and therefore there is no need for me to deal with the request for an Order of Possession.

I accept the landlords testimony however, that the tenant failed to pay any rent for the month of May 2017 even though the tenant was in the rental unit until May 29, 2017.

It is my decision therefore, pursuant to section 62 of the Residential Tenancy Act, that I will allow the landlords request for an order for the outstanding \$800.00 rent, and for recovery of the \$100.00 filing fee.

Conclusion

As stated above the landlord has possession of the rental unit and therefore an Order of Possession is no longer required.

I have allowed a total monetary claim of \$900.00, and I therefore order that the landlord may retain the full security deposit of \$400.00, and I have issued a monetary order for the respondent/tenant to pay \$500.00 to the landlord.

The remainder of the landlord's monetary claim is dismissed with leave to reapply.

The tenant's application is dismissed in full, without leave to reapply.

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: June 27, 2017

Residential Tenancy Branch