



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the 10 day Notice to End Tenancy dated December 18, 2017.
- b. An order to recover the cost of the filing fee.

On February 7, 2018 I dismissed the Tenant's application to cancel and Notice to End Tenancy for non-payment of rent and I granted an Order of Possession.

On February 15, 2018 the landlord made a Request for Clarification. The request states

"I wish to seek a monetary order from the RTB because my tenant owes \$1510 in unpaid rent. A decision was already rendered; the decision-maker agreed in the decision of the money owed to the landlord. The money owed was discussed during the hearing."

An arbitrator can only consider the matters put before him/her in a properly filed Application for Dispute Resolution. In this case the landlord failed to file an Application for Dispute Resolution. The only issue before the arbitrator was whether to cancel a 10 day Notice to End Tenancy for non payment of rent and whether the tenant was entitled to recover the cost of the filing fee. The tenant's application was dismissed. The Act requires an arbitrator to grant an Order of Possession where an application to cancel a Notice to End Tenancy was dismissed. However, the Act does not permit an arbitrator to issue a monetary order where the landlord has not filed an Application for Dispute Resolution.

The Request for Clarification is dismissed. No error was made. The arbitrator did not have the legal authority to grant a monetary order in this situation. The landlord has the right to file an Application for Dispute Resolution making the claim.

This decision is final and binding on the parties.

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: February 27, 2018

Residential Tenancy Branch