



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MNDCT ERP RP LRE FFT O

Introduction

This hearing dealt with an Application for Dispute Resolution (“application”) by the tenant under the *Residential Tenancy Act* (“Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 25, 2018 (“10 Day Notice”), for a monetary claim of \$10,000.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for emergency repairs for health or safety reasons, for regular repairs to the unit, site or property, for an order to set limits on the landlord’s right to enter the rental unit, site or property, to recover the cost of the filing fee and other unspecified relief.

The tenant and the landlord attended the teleconference hearing. At the start of the hearing, the parties agreed that the tenant had since vacated the rental unit on or about March 31, 2018 after filing the application on March 6, 2018. As a result, I find the tenant’s application is now moot as the tenancy ended on March 31, 2018, which is the date the tenant vacated the rental unit. The

Given the above, I dismiss the tenant’s application to cancel the 10 Day Notice, for emergency and regular repairs, and for an order to set limits on the landlord’s right to enter the rental unit, site or property as the tenancy has ended.

I do not grant the recovery of the filing fee as a result.

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 several matters of dispute on their application, the most urgent of which is the application to set aside the 10 Day Notice. It was also the reason the tenant was

granted an expedited hearing as matters related to an order of possession, emergency repairs for health and safety reasons or to end a tenancy early due to a health or safety concern are granted an expedited hearing. I find that not all the claims on the tenant's application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request to set aside the 10 Day Notice and the tenant's application to recover the filing fee at this proceeding. Therefore, I dismissed the tenant's monetary claim **with leave to reapply**.

In addition to the above, the parties confirmed their email addresses at the outset of the hearing. The parties confirmed their understanding that the decision would be emailed to both parties. The parties were also given the opportunity to ask questions until the point where the questions were no longer relevant to the matters before me.

Conclusion

The tenant's application to cancel the 10 Day Notice, for emergency and regular repairs, for emergency and regular repairs, and for an order to set limits on the landlord's right to enter the rental unit, site or property is dismissed without leave to reapply as the tenancy has ended.

I do not grant the tenant the recovery of the cost of the filing fee as the tenant made the decision to vacate the rental unit before this hearing and since filing the application.

The tenant's monetary claim is dismissed with leave to reapply.

This decision is final and binding on the parties, except as 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 16, 2018

Residential Tenancy Branch