



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: AAT, PSF, MNDCT, FFT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenant applied for an order granting access to the rental unit, site or property, for an order for the landlord to provide services or facilities agreed upon but not provided, for a monetary order in the amount of \$4,900.00 for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenant's legal counsel ("tenant's counsel"), three witnesses for the tenant company, the landlord, the landlord's legal counsel ("landlord's counsel") and two property managers for the landlord ("property managers") 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 parties were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony evidence and to make submissions to me.

Preliminary and Procedural Matter

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure ("Rules") 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, the most urgent of which is the tenant's request for an order granting the tenant or guests of the tenant access to the rental unit, site or property which is why this hearing was scheduled on an expedited basis. I find that not all the claims on the application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request for access to the rental unit, site or property and the filing fee at this proceeding.

I will determine later in this decision what portions of the tenant's remaining application are dismissed with leave to reapply.

Issue to be Decided

- Is the tenant entitled to an order granting the tenant or guests of the tenant access to the rental unit, site or property under the *Act*?
- Is the tenant entitled to the recovery of the cost of the filing fee under the *Act*?

Background and Evidence

At the outset of the hearing, tenant's counsel stated that since filing this application the tenant vacated the rental unit as of August 24, 2018 which the landlord did not dispute. As a result, I find there was no need to consider any additional evidence related to the tenant's application related to access to the rental unit, site or property as this matter is now moot given that the tenant has vacated the rental unit.

The parties were advised that the tenant was granted an expedited hearing based on the tenant's request for access to the unit, site or property. As the tenancy has ended by way of the tenant deciding vacate the rental unit this matter related to access by the tenant or their guests is concluded.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I dismiss the tenant's application for access to the rental unit, site or property as the tenancy has ended and the matter is now moot.

The tenant's monetary claim which was severed pursuant to Rule 2.3 of the Rules is **dismissed with leave to reapply.**

I do not grant the filing fee as this matter is now moot.

Conclusion

The tenant's application is dismissed as it is now moot given that the tenant vacated the rental unit and the tenancy has ended as a result.

The monetary claim for compensation portion of the tenant's application that was severed in accordance with Rule 2.3 of the Rules is dismissed with leave to reapply.

This decision does not extend any applicable timelines under the *Act*.

I do not grant the filing fee as noted above.

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: October 12, 2018

Residential Tenancy Branch