



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Landlord: OPR
Tenant: AS CNR ERP LA LRE MT OLC RP MNDC

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “*Act*”).

The Landlord’s Application for Dispute Resolution was made on September 2, 2018 (the “Landlord’s Application”). The Landlord applied for an order of possession for unpaid rent or utilities, pursuant to the *Act*.

The Tenant’s Application for Dispute Resolution was made on August 27, 2018 (the “Tenant’s Application”). The Tenant applied for the following relief, pursuant to the *Act*:

- an order permitting the Tenant to assign or sublet the rental unit;
- and order cancelling a notice to end tenancy for unpaid rent or utilities;
- an order that the Landlord make emergency repairs for health or safety reasons;
- an order authorizing the Tenant to change the locks to the rental unit;
- an order suspending or setting conditions on the Landlord’s right to enter the rental unit;
- an order granting more time to make an application for dispute resolution;
- an order that the Landlord comply with the *Act*, regulations, and/or the tenancy agreement;
- an order that the Landlord make repairs to the unit, site, or property; and
- a monetary order for money owed or compensation for damage or loss.

The Landlord attended the hearing and was assisted by U.V., her power of attorney. Also in attendance for the Landlord was a witness, T.O., who did not participate in the hearing. The Tenant attended the hearing on her own behalf.

While providing the parties with preliminary information, the Tenant advised that she vacated the rental unit on August 31, 2018. However, U.V. advised that some of the Tenant’s belonging remain on site. In any event, as the Tenant has vacated the rental unit, it has not been necessary for me to consider the Landlord’s following aspects of the Tenant’s Application:

- an order permitting the Tenant to assign or sublet the rental unit;
- an order cancelling a notice to end tenancy for unpaid rent or utilities;
- an order that the Landlord make emergency repairs for health or safety reasons;
- an order authorizing the Tenant to change the locks to the rental unit;
- an order suspending or setting conditions on the Landlord's right to enter the rental unit;
- an order granting more time to make an application for dispute resolution;
- an order that the Landlord comply with the *Act*, regulations, and/or the tenancy agreement; and
- an order that the Landlord make repairs to the unit, site, or property.

With respect to the Tenant's request for an order for money owed or compensation for damage or loss, the Tenant confirmed that the amount claimed was for commercial services rendered by the Tenant. However, section 2 of the *Act* confirms that the *Act* applies to tenancy agreements, rental units and other residential property. The *Act* does not apply to commercial agreements between the parties. Accordingly, I find that this aspect of the Tenant's Application is dismissed for lack of jurisdiction.

As the majority of the parties' Applications were resolved prior to the hearing, I decline to grant recovery of the filing fee to either party.

Conclusion

The Landlord's Application is dismissed, without leave to reapply.

The Tenant's Application is dismissed, 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: October 15, 2018

Residential Tenancy Branch