



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

Tenants' application: ERP, RP, PSF, OLC, MNDCT, RR  
Landlord's application: MNDLS, MNRLS, FFL

### Introduction

This hearing dealt with an Application for Dispute Resolution ("application") by both parties seeking remedy under the *Residential Tenancy Act* ("Act"). The tenants have applied for emergency repairs for health or safety reasons, for regular repairs to the unit, site or property, for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, for a rent reduction, and for a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement. The landlord has applied for a monetary order for damage to the unit, site or property, for unpaid rent or utilities, to retain the tenants' security deposit and/or pet damage deposit and to recover the cost of the filing fee.

The tenants and the landlord attended the teleconference hearing. At the start of the hearing, the tenants affirmed that they vacated the rental unit since filing their application for emergency repairs. The tenants were granted an expedited hearing due to their request for emergency repairs. The landlord's application was attached as a cross-application several weeks after the tenants applied for dispute resolution.

### Preliminary and Procedural Matters

The parties confirmed their email addresses at the outset of the hearing. The parties also confirmed their understanding that the decision would be emailed to both parties.

Rule 2.3 of the Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules") authorizes me to dismiss unrelated disputes contained in a single application. In this

circumstance the tenants and landlord indicated several matters of dispute on their respective applications, the most urgent of which is the application for emergency repairs for health or safety reasons. It is also the reason why this hearing was granted an expedited hearing. 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 tenants' request for emergency repairs for health or safety reasons at this proceeding. The balance of the applications of the landlord and tenants are **dismissed, with leave to re-apply**.

### Background and Evidence

At the outset of the hearing, the tenants testified that due to a delay in the Service BC office sending the RTB the decision twice before the application was processed, the tenants made the decision that they had to vacate the rental unit due to a lack of water. I find that since the tenancy has ended by the tenants vacating the rental unit that this application for emergency repairs is now moot. Therefore, I find it is not necessary to consider this application further as the tenancy ended on December 31, 2018, when the tenants vacated the rental unit.

### Conclusion

The tenants' application is now moot as the tenants have vacated the rental unit. The tenants' application is dismissed without leave to reapply, other than the portion severed under RTB Rule 2.3 described above, which was dismissed with leave to reapply.

This decision will be emailed to both parties as described above.

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: January 24, 2019

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Residential Tenancy Branch