



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, ERP, FFT, MNDCT, OLC, RP, RR

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- a monetary order for the cost of emergency repairs to the rental unit pursuant to section 33;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

Preliminary issue

At the outset of the hearing both parties confirmed that the tenant has moved out of the unit and that the landlord took possession of it on February 1, 2019, accordingly; all items applied for in relation to an ongoing tenancy are hereby dismissed. The tenant advised that there are some ongoing costs she will incur as a result of the landlords actions and because of moving out. It was explained to both parties that the tenant was premature in that portion of her application and was unrelated to the primary issue of

whether the tenancy was going to continue or end, accordingly; I dismiss the tenants' monetary claim with leave to reapply. This decision and the reasoning for it was explained to the both parties in great detail. Both parties indicated that they understood.

Conclusion

The tenants' monetary claim is dismissed with leave to reapply.

The remainder of the tenants' 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: February 15, 2019

Residential Tenancy Branch