



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, PSF, RP

Introduction

This teleconference hearing was scheduled in response to an application by the Tenants under the *Residential Tenancy Act* (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”), to restrict or suspend the Landlord’s right to enter, for services or facilities to be provided as required by the tenancy agreement or law, and for an Order for the Landlord to complete repairs.

The Landlord and one of the Tenants were present for the teleconference hearing and were affirmed to be truthful in their testimony. At the outset of the hearing the Landlord advised that an Order of Possession had already been received. This was discussed and will be addressed below.

Issues to be Decided

Should the 10 Day Notice to End Tenancy for Unpaid Rent be cancelled?

If the 10 Day Notice to End Tenancy for Unpaid Rent is upheld, is the Landlord entitled to an Order of Possession?

Should the Landlord’s right to enter be restricted or suspended?

Should the Landlord be ordered to provide services or facilities as required by the tenancy agreement or law?

Should the Landlord be ordered to complete repairs?

Background and Evidence

The Landlord stated that an Order of Possession was received from a previous dispute resolution proceeding. The Landlord submitted the decision and Order into evidence and the file number is noted on the front page of this decision. In the decision dated March 4, 2019, the parties reached a settlement agreement that the tenancy will end on March 31, 2019.

The Tenant agreed that an Order of Possession had been received to end the tenancy on March 31, 2019. It was explained to the parties that as the tenancy was already ending, that a further decision on possession through a dispute over a 10 Day Notice could not be made.

The Tenant confirmed that as the tenancy was ending the remainder of her claims were no longer relevant. However, she stated that she had added a monetary claim that she was still pursuing. The Tenant did not apply for a monetary claim on the application but submitted a Monetary Order Worksheet the day before the hearing, claiming compensation in the amount of \$2,200.00.

Analysis

As this tenancy is ending on March 31, 2019 through an Order of Possession dated March 4, 2019, I find that a decision regarding possession of the rental unit has already been made. Therefore, I am not able to make another decision regarding possession of the rental unit based on the dispute over a 10 Day Notice.

I also find that the remainder of the Tenant's claims are no longer relevant as the tenancy is ending. The Tenant confirmed that the claims on the Application for Dispute Resolution are no longer relevant with the tenancy ending at the end of the month.

As for the monetary claims of the Tenant, as stated in rule 6.2 of the *Residential Tenancy Branch Rules of Procedure*, the hearing is limited to matters claimed on the Application for Dispute Resolution. Although the Tenant submitted a Monetary Order Worksheet outlining monetary claims, as no amendment was submitted in time to add the monetary claim to the initial application, the monetary claims of the Tenant will not be considered.

Both parties are at liberty to file a new Application for Dispute Resolution should there be any outstanding claims from this tenancy.

Conclusion

The Tenants' Application for Dispute Resolution 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: March 12, 2019

Residential Tenancy Branch