



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, OLC, RR, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant filed under the Residential Tenancy Act (the “Act”), to cancel Four-Month Notice to End Tenancy for Repair of the Rental Unit, (the “Notice”) issued March 15, 2019, for an order for the Landlord to comply with the *Act*, for a rent reduction for required repairs not provided by the Landlord, and of the recovery of the filing fee paid for this hearing. The matter was set for a conference call.

The Landlords and one of the Tenant attended the hearing and were each affirmed to be truthful in their testimony. The Landlords and Tenant were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

In a case where a tenant has applied to cancel a Notice, Rule 7.18 of the Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the Notice.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Preliminary Matters – Application Code

The Tenant’s application was to cancel a Four-Month Notice for the Landlord’s Use of the Property. However, I noted during my review to the Tenant’s application that the Tenant had been served with a One-Month Notice to End Tenancy for Cause, and not a

Four-Month Notice. I find it appropriate to amend the Tenant's application to add a request to cancel a One-Month Notice to end tenancy for Cause and remove the request to cancel a Four-Month Notice for the Landlord's Use of the Property.

Preliminary Matters - Related Issues

I have reviewed the Tenant's application, and I note that she has applied to cancel a Notice to end tenancy as well as for several other issues. I find that some of these other issues are not related to the Tenant's request to cancel these Notices. As these matters do not relate directly to a possible end of the tenancy, I apply section 2.3 of the Residential Tenancy Branches Rules of Procedure, which states:

2.3 Related issues

Claims made in the application must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

Therefore, I am dismissing with leave to reapply, the Tenant's claims for an order for the Landlord to comply with the Act and for a rent reduction for required services or repairs not provided by the Landlord.

I will proceed with this hearing on the Tenant's claim to cancel the One-Month Notice to end tenancy for Cause.

Issues to be Decided

- Should the Notice issued March 25, 2019, be cancelled?
- If not, is the Landlord entitled to an order of possession?
- Is the Tenant entitled to the recovery of the filing fee for their application?

Background and Evidence

The Tenant testified that she has moved out of the rental unit and that she no longer needs to cancel the notice to end tenancy.

The Landlords agreed that the Tenant has moved out of the rental unit and that they do not require an order of possession.

Analysis

I find that this tenancy has ended in accordance with the *Act* and that I dismiss the Tenant claim to cancel the Notice to end tenancy.

Conclusion

The Tenant's application to cancel the Notice is dismissed.

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: May 6, 2019

Residential Tenancy Branch