



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MNRT ERP LRE LAT FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (“application”) by the tenants seeking remedy under the *Residential Tenancy Act* (“Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated May 4, 2019 (“10 Day Notice”), for emergency repairs for health or safety reasons, for a monetary claim of \$1,350.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for an order to set conditions on the landlord’s right to enter the rental unit, site or property, for authorization to change the locks to the rental unit, 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 parties were affirmed and an opportunity to ask questions was provided to both parties.

Neither party raised any concerns regarding the service of documentary evidence.

Preliminary and Procedural Matters

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 indicated several matters of dispute on the application, the most urgent of which is the application to cancel the 10 Day Notice. 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 to cancel the 10 Day Notice and the tenants’ application to recover the cost of the filing fee at this proceeding. I will determine later in this decision as to whether I grant leave to reapply for any portion of the remainder of the tenants’ application.

Issues to be Decided

- Should the 10 Day Notice be cancelled?
- Are the tenants entitled to the recovery of the cost of the filing fee?

Background and Evidence

At the outset of the hearing, the tenants confirmed that they vacated the rental unit on June 1, 2019, after filing their application on May 15, 2019, which the landlord confirmed. As a result, I find the tenants' application is now moot as the tenancy ended on December 1, 2017, which is the date the tenant vacated the rental unit.

Given the above, I dismiss the tenants' application without leave to reapply, with the exception of the tenants' monetary claim, which I grant liberty to reapply as I have not heard the merits of that portion of their claim at this proceeding.

As the tenants' was not successful based on their decision to vacate the rental unit before the hearing, I do not grant the recovery of the filing fee as a result.

Conclusion

The tenants' application is dismissed without leave to reapply, with the exception of the tenants' monetary claim, which I grant liberty to reapply as I have not heard the merits of that portion of their claim at this proceeding.

The filing fee is not granted for the reason stated above.

This decision does not extend any applicable timelines under the *Act*.

This decision will be emailed to both parties at the email addresses confirmed by the parties during the hearing.

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: June 27, 2019

Residential Tenancy Branch