



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, MNDC, FF

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy for unpaid rent - Section 46;
2. An Order restricting the Landlord’s entry into the unit - Section 70;
3. A Monetary Order for compensation - Section 67; and
4. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Preliminary Matter

The Tenants confirm that their claim for compensation is in relation to a breach by the Landlord during the tenancy of either the tenancy agreement or Act.

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure provides that claims made in an application must be related to each other and unrelated claims may be dismissed with or without leave to reapply. As the compensation claim is not related to the primary matter of whether the tenancy will end I dismiss the claim with leave to reapply.

Remaining Claims

The Parties confirm that that Tenants are no longer in the unit. The Tenants state that after the they started to move out of the unit and as of June 19, 2019 the locks to the

unit were changed by the Landlord. The Landlord states that the locks to the unit were changed as the Tenants had previously changed the locks and that only a towel was remaining in the unit. The Landlord confirms that the Landlord has possession of the unit. As the Tenants are no longer in the unit, I find that the matter of the validity of the notice to end tenancy for unpaid rent (the "Notice") and whether the tenancy continues are no longer issues to be resolved and I dismiss the claim to cancel the Notice. As the Landlord has possession of the unit I find that the Landlord does not require an order of possession. As the Landlord has possession of the unit I find that the matter of the Landlord's entry to the unit is also no longer an issue and I dismiss that claim as well. As the claims in the application for dispute resolution have not been successful I decline to award recovery of the filing fee and I dismiss that claim. The Tenants remain at liberty to pursue any claims that they may have in relation to the lock change.

Conclusion

The claims for cancelling the notice to end tenancy, restriction of the Landlord's entry into the unit and the filing fee are dismissed. The Landlord has possession of the unit. The claim for compensation is dismissed with 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 Act.

Dated: June 25, 2019

Residential Tenancy Branch