



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, ERP, MNRT, OLC, RP, RR

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"):

1. to cancel a One Month Notice to End Tenancy for Cause ("One Month Notice");
2. to cancel a 10 Day Notice to End Tenancy for Unpaid Rent;
3. for an order for emergency repairs;
4. for an order directing the landlord to comply with the Act, regulation or tenancy agreement,
5. for an order for regular repairs;
6. for an order to reduce the rent for repairs, services or facilities agreed upon, but not provided; and
7. for a monetary order for the cost of emergency repairs for the Tenant.

The Tenant, her daughter, J.M., the Landlord, and a witness, F.A., for the Landlord ("Witness") appeared at the teleconference hearing and gave affirmed testimony. I explained the hearing process to the Parties and gave them an opportunity to ask questions about the hearing process. During the hearing the Tenant and the Landlord were given the opportunity to provide their evidence orally and respond to the testimony of the other Party. I reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch ("RTB") Rules of Procedure; however, only the evidence relevant to the issues and findings in this matter are described in this decision.

Neither Party raised any concerns regarding the service of the Application for Dispute Resolution or the documentary evidence. Both Parties said they had received the Application and/or the documentary evidence from the other Party and had reviewed it prior to the hearing.

Preliminary and Procedural Matters

The Parties provided their email addresses at the outset of the hearing and confirmed their understanding that the decision would be emailed to both Parties.

At the onset of the hearing, the Tenant advised that she had vacated the rental unit on June 1, 2019, so she is no longer seeking the claims listed above. Rather, the Tenant said that she seeks compensation for a lack of quiet enjoyment of the rental unit during the tenancy. However, the Tenant did not apply for this in her Application, and it would be prejudicial and administratively unfair to the Landlord to allow the Tenant to raise a new issue without the proper notice to the other Party. The Tenant is at liberty to apply for a new Application for this claim, but it is not before me as an issue in her current Application. Therefore, I dismiss the Application without leave to reapply.

Conclusion

The Tenant withdrew the claims in her Application, as she has vacated the rental unit. I, therefore, dismiss the Application 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: June 28, 2019

Residential Tenancy Branch