



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC CNR LRE MNDCT MT PSF, OPC

Introduction

The landlord and the tenant convened this hearing in response to applications.

The landlord's application is seeking orders as follows:

1. For an order of possession; and
2. To recover the cost of filing the application.

The tenant's application is seeking orders as follows:

1. To be allowed more time to file an application after the dispute period on the notice;
2. To cancel a One Month Notice to End Tenancy for Cause;
3. To cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities;
4. To suspend or set conditions on the landlord's right to enter the rental unit;
5. To have the landlord make repairs; and
6. For a monetary order for money owed or loss under the Act.

Both parties appeared.

Preliminary and Procedural matters

At the outset of the hearing the tenant stated that they would be out of the rental unit by the end of the day, July 25, 2019.

As the tenant is vacating the premises, I find I do not need to consider the tenant's application to be allowed more time to file an application after the dispute period, to

cancel the notices to end tenancy, and to suspend or set conditions on the landlord's right to enter the rental unit. Therefore, I dismiss this portion of the tenant's claim.

I also find the tenant did not comply with the Residential Tenancy Branch Rules of Procedures, as all evidence related to their claim, must be filed with their application or at the very latest 14 days prior to the hearing. The tenant filed their evidence on July 17, 2019 and amended their application of July 23, 2019. I find the tenant did not comply with the Act. Therefore, I dismiss the tenant's claim for monetary compensation.

As the tenant has stated they will be out of the rental unit today, I find it appropriate to grant the landlord an order of possession effective July 25, 2019 at 5:00 pm., should the tenant failed to vacate the rental unit as stated. The landlord is entitled to enforce the Order, in the Supreme Court.

In this case, I decline to award the landlord the cost of the filing fee, as their application for an order of possession was based on the notice to end tenancy for cause, was already considered at a hearing on March 28, 2019.

Conclusion

The tenant's application is dismissed. The landlord is granted an order of possession.

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: July 25, 2019

Residential Tenancy Branch