



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RE/MAX CREST REALTY WESTSIDE
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FFT, OLC

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein the Tenant sought an Order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, and/or the residential tenancy agreement, as well as recovery of the filing fee. In particular, the Tenant sought authority to end his tenancy without paying the liquidated damages pursuant to the agreement.

The hearing of the Tenant's Application was scheduled by teleconference at 11:00 a.m. on June 25, 2019. Both the Tenant and the Landlord's agent, A.R., called into the hearing.

A review of Branch materials confirms that the tenancy ended. The Tenant stated during the hearing before me that he moved out May 31, 2019.

Further, a hearing of the Landlord's Application for monetary compensation is set for September 20, 2019 (the file number for that claim is included on the unpublished cover page of this my Decision). As such, the enforceability of the liquidated damages clause is before the Branch on the Landlord's application.

As the tenancy has ended, the Tenant's application is moot. I therefore dismiss his claim without leave to reapply.

The Tenant confirmed he intended to file a further application seeking return of his security deposit. The Tenant was encouraged to request that his application and the Landlord's application of September 20, 2019 be joined so that they may be heard at

the same time. The parties were also reminded that all evidence upon which they intend to rely at the September 20, 2019 hearing must be submitted to the Branch and served on the other party in accordance with the *Residential Tenancy Branch Rules of Procedure*, and that evidence submitted with respect to the claim before me would not form part of that record unless the parties resubmit the materials under those claims.

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 25, 2019

Residential Tenancy Branch