



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE, MNDCT, FFT

Preliminary and Procedural Matters

This hearing dealt with an Application for Dispute Resolution by the tenants under the Residential Tenancy Act (the “Act”) seeking an order cancelling the landlord’s One Month Notice to End Tenancy for Cause (the “Notice”), an order suspending or setting conditions on the landlord’s right to enter the rental unit, a monetary order for money owed or compensation for damage or loss under the Act, the tenancy agreement or the regulation, and to recover the cost of the filing fee.

The landlord was in attendance at the beginning of the hearing and at 8 ½ minutes, the tenant dialled into the teleconference hearing.

At the start of the hearing, in response to my inquiry caused by a review of the documentary evidence submitted prior to the hearing, the landlord confirmed the tenant vacated the rental unit on or about August 2, 2019. When the tenant appeared, she confirmed that she had vacated the rental unit after filing her application on July 4, 2019.

As a result, I find the tenant’s seeking cancellation of the landlord’s Notice is moot as the tenancy ended on or about August 2, 2019, the date the tenant vacated the rental unit.

Additionally, as the tenancy ended prior to the hearing, it was no longer necessary to consider the tenant’s request for an order suspending or setting conditions on the landlord’s right to enter the rental unit, as this issue involves an ongoing tenancy.

As to the tenant’s monetary claim, the parties were advised that this portion of the tenant’s application was being refused, pursuant to section 59(5)(c) of the Act because the tenant’s application did not provide sufficient particulars of their claim for compensation, as is required by section 59(2)(b) of the Act and Rule 2.5 of the Residential Tenancy Branch (“RTB”) Rules of Procedure (“Rules”).

Specifically, the tenant failed to provide a breakdown for the \$806.00 amount claimed at the time the tenant amended her application to request it or before the 14 day deadline under the Rules to submit evidence expired.

Given the above, I dismiss the tenant's application to cancel the 1 Month Notice to End the Tenancy for Cause and an order suspending or setting conditions on the landlord's right to enter the rental unit.

The tenant is granted liberty to reapply for her monetary claim, but is reminded to provide full particulars of her monetary claim.

I do not grant the tenant the recovery of the cost of the filing fee as she ended the tenancy prior to the hearing.

Conclusion

The portion of the tenant's application seeking cancellation of the landlord's Notice and an order suspending or setting conditions on the landlord's right to enter the rental unit is dismissed as it is now moot.

The portion of the tenant's application seeking monetary compensation has been refused, and she is at liberty to reapply.

The tenant's request for recovery of the filing fee is dismissed.

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: August 27, 2019

Residential Tenancy Branch