



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RIVER CITY HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, ASL, CNR, LRE, OLC, MNDC, OPR, MNR FF

Introduction

In the first application the tenant seeks to cancel a ten day Notice to End Tenancy for unpaid rent dated July 3, 2019. She also seeks a compliance order, a repair order and a monetary award claiming the landlord wrongfully refused to permit her to have a roommate.

In the second application the landlord seeks an order of possession pursuant to the Notice and a monetary award for unpaid July rent.

The tenant admitted she had not paid the July rent. As a result I determine that the ten day Notice was a proper Notice and has resulted in this tenancy coming to an end on July 14, 2019, pursuant to s. 46 of the *Residential Tenancy Act* (the "Act"). Pursuant to s. 55 of the *Act* the landlord must be issued an order of possession in these circumstances and so an order will issue with this decision.

As the tenancy has ended, there is no need to consider the tenant's request for a compliance order or a repair order. She would not benefit by either order.

I find the tenant's claim for monetary compensation to be claim unrelated to the essential matter, the ten day Notice, for which this dispute has been given priority hearing status. Pursuant to Rule 2.3 of the Rules of Procedure I dismiss the tenant's monetary claim, with leave for her to re-apply.

The tenant notes that the landlord failed to serve her with its application within three days after making it, contrary to s. 59(3) of the *Act*. The landlord made its application

on July 18 but failed to serve the tenant until well into August; a delay of much greater than the permitted three days.

In all the circumstances I dismiss the landlord's application, 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 *Residential Tenancy Act*.

Dated: September 06, 2019

Residential Tenancy Branch