



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, OLC, PSF, RP, FFT

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy dated April , 2019
- b. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.
- c. An order that the landlord provides services or required by the tenancy agreement or by law
- d. A repair order
- e. An order to recover the cost of the filing fee.

The Landlord failed to appear at the scheduled start of the hearing which was 9:30 a.m. on October 4, 2019. The Tenant Applicant was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the landlord to call in. The landlord failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The Tenant was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

The tenant testified he was forced to vacate the rental unit because of the misconduct of the landlord. He further submits that he has the right to seek compensation for the damages caused by her misconduct.

The Rules of Procedure provide that an arbitrator can only consider the matters set out in the Application for Dispute Resolution.

I ordered that the application of the Tenants be dismissed as they have vacated the rental unit. The claims set out in the Application for Dispute Resolution are moot as they involve a request for orders which relate to an ongoing tenancy.

The tenants have a right to file a new Application for Dispute Resolution seeking a monetary order as those claims are not included in this Application and have not been adjudicated on.

The parties are encouraged to seek legal help.

This decision is final and binding on the parties.

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: October 04, 2019

Residential Tenancy Branch