



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MACDONALD COMMERCIAL REAL ESTATE SERVICES LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OLC, FFT

### Introduction

On November 28, 2019, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) asking that the Landlord comply with the Act, Regulation, or Tenancy Agreement.

The matter was set for a conference call hearing. The Tenant and agent for the Landlord appeared at the hearing. The hearing process was explained, and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence, orally and in written and documentary form, and make submissions to me.

### Preliminary and Procedural Matters

The Tenant testified that he moved out of the rental unit on December 1, 2019 prior to this hearing. The Tenant was informed that there is no value in having a hearing for the Landlord to comply with the tenancy agreement or Act when the tenancy has ended. The Tenant submitted that he was hoping to proceed with a claim against the Landlord for monetary compensation.

The parties were informed that I only have jurisdiction to deal with claims contained within the application before me. The Tenants may not add a monetary claim at the time of the hearing.

If the Tenants want to pursue a claim for compensation against the Landlord, the Tenant will need to re-apply for dispute resolution and include a claim for monetary compensation. If an application is made, an Arbitrator will consider the Tenants

evidence and make a finding whether or not the Landlord breached the Act, regulation, or tenancy agreement; and whether or not the Tenant is entitled to compensation.

The Tenant was informed that he may call the Residential Tenancy Branch and speak to an information officer if he needs more information regarding the application process.

The tenancy has ended. The Tenants application for the Landlord comply with the Act, Regulation, or Tenancy Agreement is dismissed.

### Conclusion

The tenancy has ended. The Tenants application for the Landlord comply with the Act, Regulation, or Tenancy Agreement is dismissed.

If the Tenants want to pursue a claim for compensation against the Landlord, the Tenant will need to re-apply for dispute resolution and include a claim for monetary compensation.

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: January 24, 2020

---

Residential Tenancy Branch