



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, MNDC

This hearing was convened in response to an application made July 13, 2020 and an amended application dated July 27, 2020 by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for the Landlord’s compliance - Section 62; and
2. A Monetary Order for compensation - Section 67.

The Landlord and Tenant both appeared.

As a preliminary matter the Tenant indicated at the onset of the hearing that it was aware that it may have to make another application for its claim and is prepared to withdraw its application to make another application. The Tenant confirmed that the original application was made during the tenancy and contained a claim for an order for the landlord’s compliance. The Tenant confirmed that it made its amendment to this application to claim compensation after it moved out of the unit. The Tenant prefers that its application be dismissed with leave as opposed to the Tenant withdrawing its application.

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure provides that claims in an application must be related to each other. As the claim for the landlord’s compliance was made while the tenancy was ongoing and the claim for compensation was made after the Tenant moved out of the unit, I dismiss the claim for compensation with leave to reapply as it is not related to an ongoing tenancy. As the Tenant has moved out of

the unit and as the Landlord's compliance with the Act is only relevant to an ongoing tenancy, I dismiss the claim for compliance without 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 Act.

Dated: August 18, 2020

Residential Tenancy Branch