



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, MNDCT, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order requiring the landlord to comply with *the Act, Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 62;
- a monetary order for compensation for damage or loss under the *Act, Regulation* or tenancy agreement, pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord BB ("landlord"), the tenant and the tenant's advocate attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord confirmed that he had permission to represent "landlord HK," the other landlord named in this application (collectively "landlords"), at this hearing. The tenant confirmed that her advocate had permission to speak on her behalf at this hearing.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89, and 90 of the *Act*, I find that the landlords were duly served with the tenant's application.

At the outset of the hearing, the tenant's advocate confirmed that the tenant wanted monetary compensation from the landlord. He claimed that the tenant did not require any orders to comply from the landlord. He confirmed that the tenant was still living in the rental unit.

Preliminary Issue – Severance of Tenant's Monetary Application

Rule 2.3 of the Residential Tenancy Branch *Rule of Procedure* states that claims made in an application must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

It is my determination that the priority claim, regarding the order to comply and the continuation of this tenancy are not sufficiently related to the tenant's other claim for monetary compensation, to warrant that they be heard together. The parties were given a priority hearing date in order to address the question of the validity of the order to comply.

The tenant's monetary claim is unrelated in that the basis for it rests largely on facts not germane to the question of whether there are facts which establish the grounds for the order to comply.

I exercise my discretion to dismiss the tenant's monetary claim with leave to reapply and I informed both parties of this during the hearing. I also notified both parties that the tenant's application for an order to comply and to recover the \$100.00 filing fee, was dismissed without leave to reapply.

Conclusion

The tenant's application for an order requiring the landlord to comply with *the Act, Regulation* or tenancy agreement and for recovery of the \$100.00 application filing fee, is dismissed without leave to reapply.

The tenant's application for a monetary order for compensation for damage or loss under the *Act, Regulation* or tenancy agreement, is dismissed 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: August 24, 2020