



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Perren Operations, Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, MNR, LRE, RR, FF

Introduction, Preliminary and Procedural Matters-

This hearing dealt with the tenants' application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling a One Month Notice to End Tenancy for Cause (Notice) issued by the landlord;
- repayment for the costs of emergency repairs;
- an order suspending or setting conditions on the landlord's right to enter the rental unit;
- a reduction in monthly rent; and
- recovery of the filing fee.

The tenants and the landlord, the landlord's legal counsel and the landlord's agent attended, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

Near the start of the hearing, tenant TN testified, without dispute, that they removed all their belongings and vacated the rental unit on September 27, 2020, after filing their application on or about August 22, 2020. The landlord confirmed the tenants vacated the rental unit.

As a result, I find the portion of the tenants' application seeking cancellation of the Notice is moot as the tenancy ended on or about September 27, 2020, the date the tenants vacated the rental unit.

Additionally, as the tenancy ended prior to the hearing, it was no longer necessary to consider the tenants' request for an order suspending or setting conditions on the

landlord's right to enter the rental unit, as this issue in this circumstance involves an ongoing tenancy.

Given the above, I **dismiss without leave to reapply** the tenants' application for an order to cancel the One Month Notice and for an order suspending or setting conditions on the landlord's right to enter the rental unit.

As to the tenants' monetary claim relating to repayment for the costs of emergency repairs and for a past reduction in monthly rent, Rule 2.3 of the Residential Tenancy Branch Rules of Procedure (Rules) authorizes me to dismiss unrelated disputes contained in a single application. I find the tenants' monetary claim was not sufficiently related to the primary issue of their dispute of the Notice, or whether this tenancy would end or continue. The tenants' monetary claim is **dismissed with leave to reapply**.

I informed the parties of this decision at the hearing.

Leave to reapply is not an extension of any applicable time limit.

Although the tenancy has ended, the landlord's legal counsel indicated that the landlord has two upcoming dispute resolution hearings on the landlord's separate applications.

The hearing on the landlord's application seeking an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act is set for October 13, 2020.

The hearing on the landlord's application seeking an order of possession of the rental unit pursuant to a One Month Notice to End Tenancy for Cause and other issues, is set for November 13, 2020.

Although the landlord did not deny the tenants had vacated, legal counsel requested an order of possession of the rental unit be issued to the landlord in order to ensure a final resolution to that issue in the upcoming hearings.

Given the above and as I find the Notice was on the approved form with content meeting the statutory requirements under section 52 of the Act, I must grant an order of possession to the landlord, pursuant to section 55(1) of the Act.

I therefore grant the landlord an order of possession of the rental unit effective and enforceable two (2) days after service on the tenants, if it becomes necessary.

Finally, as I have not considered the merits of the application, the request to recover the filing fee is dismissed, 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 *Residential Tenancy Act*.

Dated: October 6, 2020

Residential Tenancy Branch