



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNDL, MNDCL, MNRL, FFL, CNR, LRE, LAT, OLC

Introduction

In the first application the landlord seeks an order of possession pursuant to a one month Notice to End Tenancy for cause. She also seeks a monetary award for damage to the premises, rent and for the cost of movers.

In the second application the tenant seeks to cancel a ten day Notice to End Tenancy for unpaid rent. She also seeks remedies related to landlord access and compliance with the law or the tenancy agreement.

Both parties attended the hearing. The tenant has vacated the rental unit. There exists an undertaking given by the landlord to the Provincial Court not to contact the tenant and not to attend at the premises. The landlord says she is in the process of seeking a variation of the undertaking.

As the tenant has confirmed this tenancy has ended and that she has given up possession, I direct that the landlord is free to enter and take possession of the rental unit, subject to any overriding court order or undertaking.

The landlord's application for monetary relief is unrelated to the priority issue of possession of the premises. Pursuant to Rule 2.3 of the Rules of Procedure I dismiss the landlord's monetary claims, with leave to re-apply. In any event, the landlord will want to assess the interior of the rental unit before bringing any renewed claim for damage to the premises.

I dismiss the tenant's claims as they have been rendered moot by the fact that she has given up possession.

The subject of a potential move-out condition inspection was discussed. It was agreed that the landlord's agent may forward the required "two opportunities" notice of inspection to the tenant by email to the email address given by the tenant in her application.

I make no order for recovery of any filing fee.

This decision was rendered orally at hearing and 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: November 05, 2020

Residential Tenancy Branch