



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RR, MNR, LRE, RP, MNDC, 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 landlords;
- a reduction in monthly rent;
- repayment for the costs of emergency repairs;
- an order requiring the landlords to comply with the Act, regulation or tenancy agreement;
- an order requiring the landlord to make repairs to the rental unit;
- compensation for a monetary loss or other money owed; and
- recovery of the filing fee.

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

At the start of the hearing, in response to my inquiry, the tenants confirmed that they vacated the rental unit on November 30, 2020, after filing their application on or about October 21, 2020.

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 November 30, 2020, the date the tenants vacated the rental unit. That portion is **dismissed, without leave to reapply**.

Additionally, as the tenancy ended prior to the hearing, it was no longer necessary to consider the tenants' request for an order requiring the landlords to comply with the Act,

for an order suspending or setting conditions on the landlord's right to enter the rental unit, for a reduction in monthly rent, and an order requiring the landlords to make repairs to the rental as these issues in this circumstance involves an ongoing tenancy.

Given the above, I **dismiss** the tenants' application for an order requiring the landlords to comply with the Act, for an order suspending or setting conditions on the landlord's right to enter the rental unit, for a reduction in monthly rent, and an order requiring the landlords to make repairs to the rental unit.

Additionally, the tenants applied for monetary compensation.

I then advised the tenants that their application for monetary compensation was being refused, pursuant to section 59(5)(c) of the Residential Tenancy Act, because their application for dispute resolution did not provide sufficient particulars of their claim for compensation, as is required by section 59(2)(b) of the Act.

Specifically, the tenants did not provide a detailed breakdown of the claim in their application package, including the amount of each item, and what each item being claimed represents.

I find that proceeding with the tenants' monetary claim at this hearing would be prejudicial to the landlords, as the absence of particulars that set out a specific amount, would make it impossible to properly respond to the tenants' application.

Additionally, the monetary claim is unrelated to the primary issue listed in the tenants' application, that being, their request to cancel the Notice.

Therefore, the tenants are at liberty to reapply, however, are reminded to provide a detailed breakdown of their monetary claim and are encouraged to use the Monetary Worksheet available at the Residential Tenancy Branch (RTB) website.

I do not grant the tenants recovery of the cost of the filing fee as a result.

Conclusion

The portion of the tenants' application for an order to cancel the One Month Notice, for an order requiring the landlords to comply with the Act, for an order suspending or setting conditions on the landlord's right to enter the rental unit, for a reduction in

monthly rent, and an order requiring the landlords to make repairs to the rental unit is dismissed, as the tenancy ended prior to the hearing.

The portion of the tenants' application for monetary compensation is being refused, due to insufficient particulars of their monetary claim as described above. The tenants are at liberty to make another application seeking monetary compensation from the landlords.

I decline to award the tenants recovery of the filing fee as I have dismissed their application seeking the relief described above.

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 11, 2021

Residential Tenancy Branch