



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, MNDCT

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant filed under the *Residential Tenancy Act* (the “Act”) to cancel a 10-Day Notice to end tenancy for unpaid rent (the “10-Day Notice”) issued January 6, 2021, to cancel a One-Month Notice to End Tenancy for Cause (the “One-Month Notice”) issued on January 2, 2021, and for a monetary order for compensation for monetary loss or other money owed. The Matter was set for a conference call hearing.

Both the Landlord and Tenant attended the hearing and were each affirmed to be truthful in their testimony. Both parties were provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter is described in this Decision.

Issues to be Decided

- Should the 10-Day Notice issued on January 6, 2021, be cancelled?
- Should the One-Month Notice issued on January 2, 2021, be cancelled?
- If not, is the Landlord entitled to an order of possession?
- Is the Tenant entitled to a monetary order for compensation for monetary loss or other money owed?

Preliminary Matters – Amended Application

At the outset of these proceedings, it was noted that the Tenant had not included a monetary worksheet with their application. The Rules of Procedure section 2.5 states the following:

Documents that must be submitted with an Application for Dispute Resolution

“To the extent possible, the applicant should submit the following documents at the same time as the application is submitted:

- a detailed calculation of any monetary claim being made;
- a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and
- copies of all other documentary and digital evidence to be relied on in the proceeding, subject to Rule 3.17 [Consideration of new and relevant evidence].

When submitting applications using the Online Application for Dispute Resolution, the applicant must upload the required documents with the application or submit them to the Residential Tenancy Branch directly or through a Service BC Office within three days of submitting the Online Application for Dispute Resolution.”

The Tenant testified during the hearing that they had not filled form #RTB-37, Monetary Work Sheet, or provided any form of detailed calculation of this monetary claim.

Due to the absence of this required document, I find it appropriate to dismiss the Tenant’s claim for a monetary order for monetary loss or other money owed with leave to reapply.

I will continue in these proceedings on the Tenant’s request to cancel the two notices to end tenancy that I have before me.

Background and Evidence

Both parties agreed that the Tenant moved out of the rental on January 12, 2021.

Analysis

Based on the testimony of the Landlord and the Tenant, I find that this tenancy ended on January 12, 2021, in accordance with the *Act*.

As this tenancy has already ended, I find that there is no requirement for a hearing regarding the validity of the two Notices that I have before me in these proceedings. Therefore, I dismiss the Tenant's application to cancel both the 10-Day and One-Month Notices to end tenancy.

Conclusion

The Tenant's application for a monetary order for compensation for my monetary loss or other money owed is dismissed with leave to reapply.

The Tenant's application to cancel the 10-Day Notice and One-Month Notice is dismissed, as this tenancy has already ended in accordance with the *Act*.

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: April 12, 2021

Residential Tenancy Branch