



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, MNDCT, RP, RR, FFT

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 49;
2. A Monetary Order for compensation - Section 67;
3. An Order for repairs - Section 32;
4. An Order for a rent reduction - Section 65; and
5. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions. The Parties confirmed that no recording devices were being used.

The Tenant confirms that its claims for compensation, repairs and a rent reduction are in relation to the Landlord’s acts or negligence during the tenancy. The Parties confirm that the Tenant has moved out of the unit and the Landlord confirms that the Landlord has possession of the unit.

Rule 2.3 of the Rules of Procedure provides that all claims made in an application must related and that unrelated claims may be dismissed with or without leave to reapply. As the claims for compensation, repairs and a rent reduction are not related to claim to cancel the notice to end tenancy, as the claims for repairs are only relevant to an ongoing tenancy and as the tenancy has ended, I dismiss the claim for compensation with leave to reapply and I dismiss the claims for repairs without leave to reapply.

Leave to reapply is not an extension of any limitation period. Although I dismiss the claim for a rent reduction as rents are no longer payable under an ongoing tenancy, the Tenant has leave to reapply to seek compensation for any loss in the value of the tenancy that may have occurred during the tenancy.

As the tenancy has ended, I dismiss the claim to cancel the notice to end tenancy. As none of the Tenant's claims have been successful, I dismiss the claim for recovery of the filing fee.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: August 31, 2021

Residential Tenancy Branch