



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, OPL

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the “Act”), I was designated to hear two crossed applications regarding a tenancy.

The tenant applied for:

- an order to cancel a Two Month Notice to End Tenancy for Landlord’s Use of Property, pursuant to section 49; and
- an order for the landlord to comply with the Act, the regulations, or the tenancy agreement, pursuant to section 62.

The landlord applied for:

- an order of possession for landlord’s use of property, pursuant to section 49.

The hearing was attended by the tenant and the landlord.

Preliminary matters

The tenant stated they have come to an agreement with the new landlord and will move out on October 1, 2021. The tenant stated their application for an order for the landlord to comply was meant to be an application for monetary compensation for damages. I advised the tenant I will not be hearing an application for a monetary order as they have not applied for this. The Residential Tenancy Branch’s Rules of Procedure 2.2 and 6.2 state:

2.2 Identifying issues on the Application for Dispute Resolution The claim is limited to what is stated in the application. See also Rule 6.2 [*What will be considered at a dispute resolution hearing*].

...

6.2 What will be considered at a dispute resolution hearing The hearing is limited to matters claimed on the application unless the arbitrator allows a party to amend the application.

The arbitrator may refuse to consider unrelated issues in accordance with Rule 2.3 [*Related issues*]. For example, if a party has applied to cancel a Notice to End Tenancy or is seeking an order of possession, the arbitrator may decline to hear other claims that have been included in the application and the arbitrator may dismiss such matters with or without leave to reapply.

The landlord confirmed they are not the tenant's current landlord and do not require an order of possession.

Conclusion

The tenant's claims are dismissed. The landlord's claim is dismissed.

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: September 24, 2021

Residential Tenancy Branch