



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, OLC, MNDCT, LRE, FFT**

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution under the *Residential Tenancy Act* ("Act"). A hearing by telephone conference was held at 9:30 am. The Tenants applied for:

- an order cancelling a One Month Notice for Cause dated June 10, 2021 ("1 Month Notice"), served by the Landlords on the Tenants, pursuant to section 47;
- an order that the Landlords comply with the Act, *Residential Tenancy Regulations* (Regulations), or the tenancy agreement pursuant to section 62;
- an order for compensation for monetary loss or other money owed by the Landlords pursuant to section 67;
- an order suspending or setting conditions on the Landlords' right to enter the rental unit pursuant to section 70; and
- authorization to recover the filing fee pursuant to section 72.

The Tenants appeared at the hearing. The Landlords did not attend the hearing even though I left the teleconference hearing connection for the entire duration of the hearing scheduled for 9:30 am. I confirmed the correct call-in numbers and participant codes were provided in the Notice of Dispute Proceeding Hearing generated when the Tenants applied. I also confirmed throughout the duration of the hearing that the Landlords were not in attendance.

Residential Tenancy Branch Rule of Procedure 2.3 states that claims made in an Application for Dispute Resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply. I find that the Tenants' claim for compensation is not sufficiently related to their claim for an order cancelling the 1 Month Notice. Therefore, I dismiss the Tenants' claim for compensation

with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

At the commencement of the hearing, the Tenants stated they moved out of the rental unit on September 30, 2021. Therefore, it is unnecessary for me to consider and I dismiss without leave to reapply the following claims made by the Tenant's in their application:

- an order cancelling the 1 Month Notice;
- an order that the Landlords to comply with the Act, Regulations, or tenancy agreement; and
- an order suspending or setting conditions on the Landlords' right to enter the rental unit pursuant to section 70.

The filing fee is a discretionary award issued by an Arbitrator after a hearing is held and the applicant is successful on the merits of the application. As I have dismissed all the Tenants' claims, I find that the Tenants are not entitled to recover the \$100.00 filing fee paid for this application. The Tenants must bear the cost of this 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 *Residential Tenancy Act*.

Dated: October 7, 2021

Residential Tenancy Branch