



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL OLC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held, by teleconference, on December 13, 2021. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing. The Tenant attended the hearing along with his legal counsel. All parties provided affirmed testimony.

The parties confirmed that the Tenant moved out of the rental unit on or around October 27, 2021, and that the tenancy has now ended. As stated in the hearing, the grounds the Tenant selected on the application are now moot, given the tenancy is over. As such, the Tenant's application (based on the selected grounds) is dismissed, without leave to reapply.

The Tenant appeared at the hearing because he feels he is entitled to compensation for loss of quiet enjoyment, and for 12 month's compensation pursuant to section 51(2) of the Act. However, as stated in the hearing, the Tenant never made an application for monetary compensation, nor did he amend his application to include any monetary components or grounds. I note the Tenant uploaded a monetary worksheet, and some evidence supporting the amounts he is seeking, a matter of days before the hearing, but I do not find this is sufficient.

If the Tenant is seeking monetary compensation, he must specifically apply for this, and do so in accordance with the Rules and the Act, in order to allow all parties a fair chance to understand the matters being sought, and prepare their evidence accordingly. I find it would be prejudicial to the Landlord to allow the Tenant to pursue monetary

compensation as part of this proceeding, given the late and improper filing of the issues. I also note the Landlord stated she only received some of the Tenant's evidence a couple of days before the hearing and she did not have a proper chance to review what he sent. In any event, I find the Tenant's current application is dismissed, without leave, and I decline to allow the Tenant to proceed with his monetary claim as part of this proceeding. The Tenant must re-apply if he wishes to pursue monetary compensation.

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: December 13, 2021

Residential Tenancy Branch