



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR-MT CNE-MT DRI-ARI-C MNRT MNDCT OLC RP PSF LRE
RR

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for the following:

1. I want to reduce rent for repairs, services or facilities agreed upon but not provided
2. I want to suspend or set conditions on the landlord's right to enter the rental unit or site
3. I want to be paid back for the cost of emergency repairs that I made during the tenancy
4. I want to dispute a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities and I need more time to dispute this notice
5. I want the landlord to comply with the Act, regulation and/or the tenancy agreement
6. I want compensation for my monetary loss or other money owed
7. I want repairs made to the unit, site or property. I have contacted the landlord in writing to make repairs but they have not been completed
8. I want the landlord to provide services or facilities required by the tenancy agreement or law
9. I want to dispute an Additional Rent Increase for Capital Expenditures

The tenant and the landlords attended the teleconference hearing. At the start of the hearing I introduced myself and the participants and the parties were given an opportunity to ask questions. The parties were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony evidence and to make submissions to me. Words utilizing the singular shall also include the plural and vice versa where the context requires.

At the outset of the hearing, the parties were advised that I would be exercising my discretion and would be severing all portions of the claim except those relating to cancelling a notice to end tenancy, which I will now address below.

Preliminary and Procedural Matters

The parties were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The parties were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the parties were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The parties did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition, RTB Rule 2.3 authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the tenant indicated many matters to dispute in their application, the most urgent of which is the tenants' request to set aside 2 notices to end the tenancy. I find that not all the claims on this Application for Dispute Resolution are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request to cancel 2 notices to end tenancy at this proceeding. The balance of the tenant's application is dismissed, **with leave to re-apply**.

In addition to the above, the tenant claims they do not have an email address and refused to provide a forwarding address during the hearing. The parties confirmed that the tenant vacated the rental unit based on a previous decision (Previous Decision) where the landlord was already issued an Order of Possession. The file number of the Previous Decision has been included on the style of cause for ease of reference. The Previous Decision should be read in conjunction with this decision.

Issue to be Decided

- Is this application now moot?

Background and Evidence

There is no dispute that the tenant has vacated the rental unit. There is also no dispute that the tenancy ended when the landlord were granted an Order of Possession and enforced the Order of Possession.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I dismiss the tenant's application to cancel the 2 notices to end tenancy as the tenant has already vacated the rental unit and this application is moot as a result.

Conclusion

The application is dismissed without leave to reapply.

This decision will be emailed to the landlords and sent via regular mail to the tenant.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 19, 2022

Residential Tenancy Branch