



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes CNL, FFT

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the Act) for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlords Use of Property (the 2 Month Notice) pursuant to section 49; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

Both parties participated in the teleconference. The tenant was assisted by an advocate, the landlord had her son assist her.

### Preliminary Issue – Amended application

On February 25, 2022 the tenant filed an application to dispute a Two Month Notice to End Tenancy for Landlords Use of Property. The tenant moved out on April 27, 2022 by an agreed term of settlement pursuant to a One Month Notice to End Tenancy for Cause heard on April 25, 2022 file # 310060697 for which, the landlord was granted an Order of Possession based on that agreement. The tenant amended this application on May 25, 2022 seeking compensation "for psychological trauma", as noted on the tenants application.

Residential Tenancy Branch (RTB) 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.

It is my determination that the priority claims regarding the Two Month Notice and the continuation of this tenancy **are not sufficiently related** to any of the tenant's other

claims to warrant that they be heard together. The parties were given a priority hearing date in order to address the question of the validity of the Notice to End Tenancy.

The tenant's monetary claim is unrelated in that the basis for them rests largely on facts not germane to the question of whether there are facts which establish the grounds for ending this tenancy as set out in the Notice to End Tenancy. I exercise my discretion to dismiss the monetary portion of the tenant's application with leave to reapply. As the tenancy has ended, I also dismiss the tenant's application to dispute the Two Month Notice to End Tenancy for Landlords Use of Property.

### Conclusion

The tenant's monetary claim is dismissed with leave to reapply.

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: June 09, 2022

---

Residential Tenancy Branch