



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT, MNDCT

Introduction

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

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- a monetary order for compensation for loss or damage under the Act, regulation or tenancy agreement; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

This matter was scheduled for a conference call at 9:30 a.m. on this date. Both parties participated in the teleconference. At the outset of the hearing the parties confirmed that the tenant moved out in mid May 2022. The tenant advised that he amended the application in mid May and is now only seeking a monetary order as he no longer lives there.

The following RTB *Rules* are applicable and state (my emphasis added):

2.3 Related issues

*Claims made in the application must be related to each other. **Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.***

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.***

At the outset of this hearing, I informed both parties that Rule 2.3 of the RTB *Rules* allows me to sever issues that are not related to the tenant's main urgent application. The tenants' primary reason to file this application was due to an urgent matter regarding the ongoing tenancy, which has since ended.

I informed the tenant that he was provided with a priority hearing date, due to the urgent nature of his application. I informed him that this was the central and most important, urgent issue to be dealt with at this hearing.

I notified the tenant that his monetary claim was dismissed with leave to reapply. I informed him that he received a priority hearing to address the tenancy issue, as his monetary claim was a non-urgent lower priority issue, and it could be severed at a hearing. This is in accordance with Rules 2.3 and 6.2 of the RTB *Rules* above. The tenant confirmed his understanding of same.

I notified the tenant that he could file a new application and pay a new filing fee if he wants to pursue his monetary claim in the future. He confirmed his understanding of same.

Conclusion

The tenants monetary claim is dismissed with leave to reapply. The remainder of the tenant's application is dismissed without 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 20, 2022

Residential Tenancy Branch