



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, MNDCT

Introduction

This hearing dealt with the tenant's application, filed on March 28, 2022, pursuant to the *Residential Tenancy Act* ("Act") for:

- an order requiring the landlords to comply with the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 62;
- a monetary order for compensation under the *Act*, *Regulation* or tenancy agreement, pursuant to section 67.

The two landlords and the tenant did not attend this hearing, which lasted approximately 10 minutes. The tenant's agent attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

This hearing began at 11:00 a.m. with only me present. The tenant's agent called in late at 11:02 a.m. This hearing ended at 11:10 a.m. I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant's agent and I were the only people who called into this teleconference.

The tenant's agent confirmed his name and spelling. He provided his email address for me to send this decision to the tenant after the hearing.

The tenant's agent stated that the tenant is his son and he had permission to represent him at this hearing.

Rule 6.11 of the Residential Tenancy Branch (“RTB”) *Rules of Procedure* (“Rules”) does not permit recording of this hearing by any party. At the outset of this hearing, the tenant’s agent affirmed, under oath, that he would not record this hearing.

I explained the hearing process to the tenant’s agent. He had an opportunity to ask questions, which I answered. He did not make any adjournment or accommodation requests.

At the outset of this hearing, the tenant’s agent confirmed that the tenant vacated the rental unit on April 6, 2022. I informed him that the tenant’s application for an order to comply was dismissed without leave to reapply, as this claim is only related to an ongoing tenancy.

Preliminary Issue – Severing the Tenant’s Monetary Application

The following RTB *Rules* are applicable and state:

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.

Rule 2.3 of the RTB *Rules of Procedure* allows me to sever issues that are not related to the tenant’s main urgent application.

The tenant’s agent confirmed that the tenant filed this application on March 28, 2022, and amended it on June 9, 2022, to update the monetary claim. He stated that the tenant initially filed this application but made some mistakes, so the tenant’s agent had to correct the monetary amount. He claimed that the tenant wanted his security deposit back.

I notified the tenant's agent that the tenant filed this application for an order to comply on March 28, 2022, and then moved out of the rental unit shortly after on April 6, 2022. I informed him that he amended the tenant's application on June 9, 2022, shortly prior to this hearing on July 15, 2022. He also added additional evidence with the amendment form. I notified him that the tenant did not apply for the return of his security deposit in this application.

I informed the tenant's agent that the tenant was provided with a priority hearing date, due to the urgent nature of his claim for an order to comply. I informed him that this was the central and most important, urgent issue to be dealt with at this hearing.

I notified the tenant's agent that the tenant's monetary application was dismissed with leave to reapply. I informed him that the tenant received a priority hearing date for the order to comply claim, as the monetary claim is a non-urgent lower priority issue, and it can be severed at a hearing. This is in accordance with Rules 2.3 and 6.2 of the RTB *Rules* above. I notified the tenant's agent that the tenant could file a new application and pay a filing fee, if he wants to pursue his monetary claim in the future.

I asked the tenant's agent if he had any questions, prior to me closing this hearing. He disconnected from the hearing without warning at 11:09 a.m. I checked the hearing line to determine if anyone, including the landlords, were on the teleconference line. No one answered, so I announced that I was closing the hearing and did so at 11:10 a.m.

Conclusion

The tenant's application for a monetary order for compensation under the *Act*, *Regulation* or tenancy agreement, 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: July 15, 2022

Residential Tenancy Branch