



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BRITISH COLUMBIA HOUSING MANAGEMENT
COMMISSION and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, FF

Introduction, Preliminary and Procedural Matters-

This hearing convened by teleconference on April 19, 2022, to deal with the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, compensation for a monetary loss or other money owed, and recovery of the cost of the filing fee.

The tenants and the two landlord's agents (landlord) attended, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process. All parties were affirmed.

The hearing continued for 37 minutes, at which time the hearing was adjourned due to the reasons addressed in the Interim Decision issued on April 20, 2022. That Decision is incorporated by reference and should be read in conjunction with this Decision.

The tenants' monetary claim was severed from the main issue and dismissed, with leave to reapply.

At the reconvened hearing, the tenants and one landlord's agent attended.

The Interim Decision addressed the tenants' request for landlord's compliance, alleging a loss of quiet enjoyment. The source of the noise and other disturbances was another tenant in the residential property. That tenant was scheduled to move out in May 2022, and at the reconvened hearing, the tenants confirmed that the tenant in question had moved out. The tenants confirmed they were not experiencing the noise and other disturbances now as a result.

Due to the source of the noise and other disturbances now having vacated, I find it was no longer necessary to consider the tenants' request that I issue the landlord an order requiring them to comply with the Act, tenancy agreement, or regulation, as the matter is now moot. I therefore dismiss the tenants' application on this matter, without leave to reapply.

In considering whether to grant the tenants recovery of their filing fee, I find that the issue was resolved between the original hearing and the reconvened hearing. I use my discretion under section 62(2) and 72(1) of the Act and award the tenants recovery of their filing fee.

I authorize the tenants to deduct \$100 from a future monthly rent payment to satisfy this monetary award.

To be clear, I make no finding on the merits of the tenants' monetary claim or whether they would be entitled to an order requiring the landlord to comply with the Act, tenancy agreement, or regulation.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: August 05, 2022

Residential Tenancy Branch