



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI CNL-4M PSF RPP LAT FFT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The tenant applied to cancel a 4 Month Notice to End Tenancy for Demolition (4 Month Notice), to dispute a rent increase, for an order to provide services or facilities agreed to but not provided, for the return of personal property, for authorization to change the rental unit locks and for the filing fee.

The tenant and the landlord attended the teleconference hearing. The parties gave affirmed testimony and were provided with an opportunity to ask questions. At the outset of the hearing, an earlier application which was heard October 3, 2022 was discussed. The file number of that matter is included on the cover page of this Decision for ease of reference. For clarity, I will refer to the earlier application as Previous Decision.

Preliminary and Procedural Matters

Rule 2.3 of the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the tenants indicated several matters of dispute on the application, the most urgent of which is the application for to cancel a 4 Month Notice. I find that not all the claims on the application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request to cancel a 4 Month Notice and the tenant's application to recover the cost of the filing fee at this proceeding. The balance of the tenant's application is dismissed, **with leave to re-apply**.

The decision will be sent by email to both parties as both parties confirmed their respective email addresses during the hearing.

Issue to be Decided

- Is this application now moot?

Background and Evidence

At the outset of the hearing, the landlord admitted that they made an error as the rental unit is not being demolished and yet the 4 Month Notice indicates that the tenancy was ending for that purpose. The parties were advised that the 4 Month Notice dated May 1, 2022 with an effective vacancy date of August 31, 2022 was cancelled as the landlord admitted that it was issued in error and that the rental unit is not being demolished.

In addition, and after the hearing in the matter was concluded, I have also reviewed the Previous Decision. The Previous Decision is dated October 19, 2022 and in that Previous Decision the tenancy was scheduled to end on October 31, 2022 at 1:00 p.m. based on an Order of Possession (OP) being granted to the landlord.

Furthermore, although the tenant applied for a Review Consideration of the Previous Decision and the OP, a different arbitrator dismissed the tenant's Review Consideration Application due to insufficient evidence, and confirmed the Previous Decision and the OP. As a result, I will address this issue below as it takes priority.

Analysis

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

I find this application is now moot as the tenancy has already ended based on the Previous Decision in which the tenancy ended on October 31, 2022 at 1:00 p.m. and the date of this decision is November 2, 2022. As the Previous Decision and OP were confirmed upon the tenant's Review Consideration, I find this matter does not require further analysis and is dismissed without leave to reapply, as it is now moot.

I grant the tenant a **\$100** monetary order pursuant to section 72 of the Act. I have made this decision given that the landlord confirmed that the 4 Month Notice before me was for the incorrect reason, as the landlord stated they are not demolishing the rental unit.

Conclusion

This application is now moot and is dismissed without leave as a result.

The filing fee is granted as the landlord issued a 4 Month Notice that was cancelled in this matter as the landlord admitted they were not demolishing the rental unit as indicated on the 4 Month Notice before me.

The tenant is granted a monetary order of \$100 for recovery of the filing fee. The monetary order of \$100 must be served on the landlord. Should the tenant require enforcement of the monetary order, they must serve the monetary order on the landlord with a demand for payment letter. The tenant may then enforce the monetary order at the Provincial Court, Smalls Claim Division.

This decision does not extend any application timelines under the Act.

This decision will be emailed to both parties as described above.

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: November 2, 2022

Residential Tenancy Branch