



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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DECISION

Dispute Code: CNC-MT

Introduction

The tenant sought an order cancelling a *One Month Notice to End Tenancy for Cause* under section 47(4) of the *Residential Tenancy Act* (the “Act”). They also sought additional time in which to file their application for dispute resolution.

Preliminary Issue: Tenancy Has Ended

The tenancy ended around November 28, 2022 after the landlord obtained an order of possession and a writ of possession. Bailiffs were hired and the tenant has since been removed from the rental unit. As such, the issues of whether the tenant is entitled to relief under sections 47(4) and 66(1) of the Act are now moot.

It is noted that the landlord attempted to include their own claim for compensation within this application. However, the landlord has not made an application for dispute resolution pursuant to section 59(2) of the Act, nor is the tenant’s application in respect of a notice to end tenancy under section 46 of the Act. (Where, under section 55(1.1) of the Act an arbitrator has the authority to order the payment of unpaid rent.)

As such, the landlord is not entitled to make a claim for compensation within the tenant’s application. However, the landlord is at liberty to file its own claim for compensation for unpaid rent and any other amounts owing.

Conclusion

The tenant’s application is dismissed without leave to reapply.

Dated: December 29, 2022

Residential Tenancy Branch