



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- an order of possession for landlord’s use of property pursuant to section 55;
- authorization to recover the filing fee for this application pursuant to section 72.

Tenant:

- cancellation of a Two Month Notice to End Tenancy For Landlord’s Use of Rental Property, pursuant to section 49 (the Two Month Notice);
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to change the locks and/or to suspend or set conditions on the landlord’s right to enter the rental unit pursuant to section 70;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing.

Preliminary Issue – Adjournment request by Tenant’s representative and Scope of application

At the outset of the hearing, the tenant’s representative requested an adjournment due to the tenant being involved in a car accident.

The most urgent matter identified in the applications before me was the tenant's application to dispute the Two Month Notice and the landlord's application seeking an order of possession based upon this same Notice.

The parties further advised that the tenant vacated the rental unit near the end of December 2022; therefore, rendering this issue moot. I therefore find that adjourning this matter is not necessary.

Residential Tenancy Branch Rules of Procedure, Rule 2.3 states that, if, during the dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may sever or dismiss the unrelated disputes contained in a single application with or without leave to apply.

As the tenancy has ended, the tenant's application pertaining to an order for the landlord to comply with the Act and changing locks is also moot. The tenant did not provide any particulars or evidence in support of the application for a rent reduction. This portion of the tenant's application is dismissed with 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: February 28, 2023

Residential Tenancy Branch