



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNC, AAT, OLC, MNDCT, DRI

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on October 17, 2022, wherein the Tenant sought the following relief:

- an Order canceling a 1 Month Notice to End Tenancy for Cause, issued on October 4, 2022 (the "Notice");
- an Order permitting the Tenant access to the rental unit;
- an Order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, and/or the residential tenancy agreement;
- an Order for monetary compensation from the Landlord; and,
- an Order with respect to a rent increase.

The hearing of the Tenant's application was scheduled for teleconference at 11:00 a.m. on February 27, 2023. Both parties called into the hearing. The Tenant called in as did his daughter, D.F. The Landlord called in as did her spouse, R.S.

Preliminary Matters and Conclusion

Hearings before the Residential Tenancy Branch are governed by the *Residential Tenancy Branch Rules of Procedure*. At all times an Arbitrator is guided by *Rule 1.1* which provides that Arbitrators must ensure a fair, efficient and consistent process for resolving disputes for landlords and tenants.

Residential Tenancy Branch Rule of Procedure 2.3 provides that claims made in an Application for Dispute Resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

Hearings before the Residential Tenancy Branch are scheduled on a priority basis. Time sensitive matters such as a tenant's request for emergency repairs or the validity of a notice to end tenancy are given priority over monetary claims.

It is my determination that the priority claim before me is the validity of the Notice. I also find that this claim is not sufficiently related to the Tenant's monetary claim or the Tenant's claims for an Order with respect to the rent increase; as such those claims are dismissed with leave to reapply.

The Tenant confirmed he vacated the rental unit on February 1, 2023. As such, his request for an Order canceling the Notice was not longer relevant as the tenancy has ended. Similarly, the Tenant's request for access to the rental unit and an Order that the Landlord comply with the *Act, Regulations, and/or* tenancy agreement was no longer relevant. Those claims are 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: March 1, 2023

Residential Tenancy Branch