



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR-MT, MNDCT, AAT, PSF, LRE, LAT

Introduction

The Tenant applied for dispute resolution (“Application”) and seeks the following:

- an order canceling a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to section 46(4)(b) of the *Residential Tenancy Act* (the “Act”)
- an extension of the time limits to dispute the Notice under section 66 of the Act;
- compensation for monetary loss under section 67 of the Act;
- for the landlord to allow access to the rental unit under section 70 of the Act;
- for the landlord to provide services or facilities required by the tenancy agreement or law under section 62(3) of the Act;
- to suspend or set conditions on the landlord's right to enter the rental unit under section 70 of the Act; and
- authorization to change the locks to the rental unit under section 70 of the Act.

The Tenant attended the hearing along with their Agent, R.N. The Tenant and R.N. affirmed to tell the truth during the hearing and was given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Although I waited until 1:55 P.M. to enable the Respondent Landlord to connect with this teleconference hearing scheduled for 1:30 P.M., the Landlord did not attend.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. During the hearing, I also confirmed from the online teleconference system that the Tenant and I were the only parties who had called into this teleconference.

Rule 7.1 of the *Rules of Procedure* states that a hearing will commence at the scheduled time, unless otherwise set by the Arbitrator.

Rule 7.3 of the *Rules of Procedure* states that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application with or without leave to reapply.

Accordingly, the hearing proceeded in the absence of the Landlord.

The Tenant testified they served the Notice of Dispute Resolution Package (the “Materials”) on the Landlord on January 13, 2023 via registered mail. The Canada Post tracking number is on the front page of this Decision. Based on the undisputed testimony from the Tenant, I find that pursuant to sections 89 and 90 of the Act that Tenant’s Materials were sufficiently served to the Landlord.

Preliminary Issue: Severing

The Tenant applied for multiple remedies under the Act, some of which were not sufficiently related to one another.

Rule 2.3 of the *Rules of Procedure* states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After reviewing the issues raised by the Tenant, I determined that the primary issue is the Tenant’s request to cancel the Notice and the hearing had been scheduled according to this request. I exercised my discretion to dismiss with leave to re-apply, the claim for compensation.

Conclusion

During the hearing the Tenant confirmed the tenancy had ended and they no longer wished to dispute the Notice and reinstate the tenancy. They also confirmed that the requests for the landlord to allow access to the rental unit, for the landlord to provide services or facilities, to suspend or set conditions on the landlord's right to enter the rental unit and for authorization to change the locks to the rental unit were now also moot.

Therefore, I dismiss without leave to reapply the Tenant's Application, except for the request for compensation, which I dismiss with leave to re-apply.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: May 05, 2023

Residential Tenancy Branch