



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

LL: OPC, OPN, FFL

TT: CNC, MNDCT, RP, PSF, LRE, LAT, RPP, OLC

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”).

The Landlord’s Application for Dispute Resolution was made on August 24, 2023, (the “Landlord’s Application”). The Landlord applied for the following relief, pursuant to the *Act*:

- an order of possession for cause
- an order of possession based on the Tenants’ Notice to End Tenancy; and
- an order granting the recovery of the filing fee.

The Tenants’ Application for Dispute Resolution was made on October 5, 2023 (the “Tenants’ Application”). The Tenants applied for the following relief, pursuant to the *Act*:

- to cancel a One Month Notice for Cause;
- a monetary order for damage or compensation;
- an order for regular repairs;
- an order for the Landlord to provide a service or facility;
- an order restricting the Landlord right to enter the rental unit;
- an order authorizing the Tenant to change the lock to the rental unit;
- an order for the Landlord to return the Tenants’ personal property; and
- an order for the landlord to comply with the Act, tenancy agreement or regulation.

The Landlord, the Landlord’s Counsel A.E., the Tenant K.X., and the Tenants’ Advocate D.G. attended the original hearing at the appointed date and time. At the start of the hearing, the parties confirmed service and receipt of their respective Proceeding

Packages. As there were no issues raised relating to service of these documents, I find that they were sufficiently served pursuant to Section 71 of the Act.

Regarding the evidence exchanged between the parties, both parties stated that they received each other's evidence late, only 7 days before the hearing. While the Landlord's counsel was agreeable to continuing with the hearing regardless, the Tenant stated that they needed more time to review and respond to the Landlord's evidence.

The opportunity to settle the dispute through mutual agreement was offered, however, no agreement was reached.

Preliminary Matters

The Residential Tenancy Branch Rules of Procedure permit an Arbitrator the discretion to dismiss unrelated claims with or without leave to reapply. For example, if a party has applied to cancel a notice to end tenancy, or is applying for an order of possession, an Arbitrator may decline to hear other claims that have been included in the application and the Arbitrator may dismiss such matters with or without leave to reapply.

I find that the most important issue to determine is whether or not the tenancy is ending based on the Notice(s) to End Tenancy.

The Tenant's request for a monetary order for damage or compensation, an order for regular repairs, an order for the Landlord to provide a service or facility, an order restricting the Landlord right to enter the rental unit, an order authorizing the Tenant to change the lock to the rental unit, an order for the Landlord to return the Tenants' personal property, and for an order for the landlord to comply with the Act, tenancy agreement or regulation are dismissed with leave to reapply as they are not related to the Notices to End Tenancy.

As neither party complied with the Rules of Procedure relating to service of the Applicant(s) evidence to the Respondent(s) the hearing was adjourned to allow each party more time to review, consider, and respond to each other's evidence prior to the reconvened hearing.

The hearing was reconvened on January 8, 2024 and was attended by the Landlord's Counsel A.E. and both Tenants. At the start of the reconvened hearing, all parties confirmed that the tenancy has now ended. The Landlord's Counsel confirmed that the Landlord now has vacant possession of the rental unit. Seeing as the claims related to

determining if the tenancy would continue or not based on the Notice(s) to end tenancy, I find that these claims are now moot given the tenancy has ended. As such, I dismiss both Applications.

Conclusion

The parties attended the reconvened hearing and confirmed that the tenancy has ended. As such, the Applications are now moot and therefore dismissed.

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: January 8, 2024

Residential Tenancy Branch