Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u> CNC FF LRE OLC RP PSF OPC MNR MNSD MNDC FF

This hearing convened pursuant to applications by the tenant and the landlord. The tenant applied to cancel a notice to end tenancy, as well as for orders that the landlord comply with the Act, do repairs, provide services or facilities required by law and an order setting conditions on the landlord's right to enter the rental unit. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial compensation of the claim. The tenant and the landlord called in to the teleconference hearing.

Tenant's Application

The tenant confirmed that he has moved out of the rental unit. I found that the tenant's application was therefore no longer necessary, and I dismissed the tenant's application.

Landlord's Application

Due to a system error, I was unaware at the scheduled time of the hearing that the landlord had filed an application that was to be heard at the same time as the tenant's application. The landlord did not advise me that she had filed an application, and it did not come to my attention until after the teleconference hearing was concluded.

The Branch made repeated attempts to contact the landlord but was unable to clarify some key points with the landlord regarding her application.

As the tenancy has ended I dismiss the landlord's application for an order of possession.

The remainder of the landlord'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: August 25, 2015

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Residential Tenancy Branch