



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OLC, LRE, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant(s) seek an order that the landlord comply with the Act, Regulations and/or tenancy agreement.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlord resides.

Issues to be Decided:

The issue to be decided is whether the Tenant(s) are entitled to an order that the landlord comply with the Residential Tenancy Act, Regulations and/or tenancy agreement?

Background and Evidence:

The tenancy began on May 31, 2018. The tenancy agreement provided that the tenant(s) would pay rent of \$1200 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$600 at the start of the tenancy.

The parties entered into a mutual agreement to end the tenancy effective August 31, 2018. The tenant vacated the rental unit. The landlord returned the security deposit.

Analysis

The Application for Dispute Resolution filed by the Tenant(s) seeks an order that the landlord comply with the Residential Tenancy Act, Regulations and/or tenancy agreement. It does not make a monetary claim. The Rules of Procedure provide that an arbitrator can only consider matters identified in the Application for Dispute Resolution.

As the Tenant(s) have vacated the rental unit the claim that the landlord comply with the Act, Regulations and/or tenancy agreement is moot and it would be inappropriate to consider it. As a result I dismissed the application without leave to re-apply.

The extensive materials filed by the Tenant indicate she believes she has a monetary claim against the landlord. Both parties retain the right to file a monetary claim against the other.

This decision is final and binding on the parties.

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: September 11, 2018

Residential Tenancy Branch