



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FFT, MNDCT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order to have the landlord conduct emergency repairs to the rental unit pursuant to section 33;
- a monetary order for compensation for loss or damage under the Act, regulation or tenancy agreement; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard and to make submissions to me. Both parties confirmed that they had exchanged their documentary evidence.

Preliminary Issue- Severance

Residential Tenancy Branch (RTB) Rule of Procedure 2.3 states 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.

It is my determination that the priority claim regarding the emergency repairs is not sufficiently related to any of the tenant's other claim to warrant that they be heard together. The parties were given a priority hearing date in order to address the question of whether the landlord should be ordered to conduct emergency repairs to the rental unit.

The tenant's other claim is unrelated in that the basis for them rests largely on facts not germane to the question of whether there are facts which establish the grounds for emergency repairs. I exercise my discretion to dismiss the tenants request for a monetary order with leave to reapply.

Issue(s) to be Decided

Are the tenants entitled to an order to have the landlord conduct emergency repairs to the rental unit?

Are the tenants entitled to the recovery of the filing fee for this application from the landlords?

Background and Evidence

The tenants gave the following testimony. The tenancy began on July 1, 2013 and the current monthly rent is \$1265.00 per month. At the outset of the tenancy the tenants paid a security deposit of \$550.00. The tenants' filed an application for dispute resolution on April 17, 2019. The tenants testified that they stopped living in the unit on April 18, 2019 and that they gave notice to move out. The tenants testified that the tenancy ends today and that possession of the unit will be handed over to the landlord after this hearing.

Analysis

As noted above, the tenants filed this application a day prior to them vacating the unit. The tenants testified that they will be relinquishing possession of the unit as of this date as they have given notice and the tenancy is over. As they no longer live in the unit and that the tenancy has ended, I find their application for emergency repairs to be moot, accordingly; I dismiss that portion of their application without leave to reapply. As the tenants have not been successful in their application they are not entitled to the recovery of the filing fee, accordingly; I dismiss that portion of their application without leave to reapply.

Conclusion

The tenants' monetary claim is dismissed with leave to reapply.

The remainder of the tenants' application is 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: May 31, 2019

Residential Tenancy Branch