



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding EWAN INVESTMENTS INC.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNL, OLC, RP, PSF, RR, MNDCT

### Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on September 27, 2022, wherein he sought the following relief:

- an order canceling a 1 Month Notice to End Tenancy for Cause issued on September 18, 2022 (the "Notice");
- a Monetary Order for
  - damage or loss; and
  - a reduction in rent for the cost of repairs, services or facilities;
- an Order that the Landlord
  - comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the tenancy agreement;
  - make repairs to the rental unit; and,
  - provide services or facilities required by law.

The hearing of the Tenant's Application was conducted by teleconference at 11:00 a.m. on February 10, 2023. Both parties called into the hearing. The Tenant called in on his own behalf and was assisted by an Advocate, K.M. The Landlord was represented by T.E.

At the outset of the hearing the Tenant confirmed he had vacated the rental unit as of December 27, 2022. As such, much of the relief sought by the Tenant on his Application was no longer relevant. Accordingly, I **dismiss, without leave to reapply**, the Tenant's claim for the following relief:

- an order canceling a 1 Month Notice to End Tenancy for Cause issued on September 18, 2022 (the “Notice”);
- an Order that the Landlord
  - comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the tenancy agreement;
  - make repairs to the rental unit; and,
  - provide services or facilities required by law.

The Landlord's representative stated that he did not received the Tenant's Application materials until 10 days prior to the hearing. Branch records confirm that was also when the Tenant uploaded the majority of his evidence. That evidence related in part to the above relief, as well as the Tenant's monetary claim. The evidence pertaining to the latter was sparse.

I accept the Landlord's representative's submissions that he did not receive the Tenant's application materials until ten days prior to the hearing.

Hearings before the Residential Tenancy Branch are governed by the *Residential Tenancy Branch Rules of Procedure* (the “Rules”). At all times an Arbitrator is guided by *Rule 1.1* which provides that Arbitrators must ensure a fair, efficient, and consistent process for resolving disputes for landlords and tenants.

The following *Rules* deal with delivery of documents and provide in part as follows:

### **3.1 Documents that must be served**

The applicant must, within 3 days of the hearing package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the application for dispute resolution;
- b) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch;
- c) the dispute resolution proceeding information package provided by the Residential Tenancy Branch;
- d) a detailed calculation of any monetary claim being made;

- e) a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and
- f) any other evidence, including evidence submitted to the Residential Tenancy Branch with the application for dispute resolution, in accordance with Rule 2.5 [*Documents that must be submitted with an application for dispute resolution*].

I find the Tenant failed to serve the Landlord in accordance with the above. I therefore **dismiss the Tenant's following claims with leave to reapply:**

- a Monetary Order for
  - damage or loss; and
  - a reduction in rent for the cost of repairs, services or facilities;

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: February 10, 2023

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Residential Tenancy Branch