



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNDC, OLC, RP, LRE, FF

### Introduction

This matter dealt with an application by the Tenant for compensation for the Landlord's alleged failure to repair and maintain the rental property, for a loss of quiet enjoyment, for loss of use of facilities, for pain, stress and suffering, for destruction of personal property, for lost wages, for an order requiring the Landlord to make repairs, for an order prohibiting or restricting the Landlord from entering the rental unit and to recover the filing fee for this proceeding.

This matter was originally scheduled for hearing on April 14, 2010 however it was adjourned at the request of the Tenant so that she could obtain an RCMP report to use as evidence at the hearing. Consequently, the Tenant's application was adjourned to June 2, 2010 for hearing. However prior to the hearing of the Tenant's application on that day, both Parties filed further applications which were also scheduled to be heard at the same time on June 2, 2010. As there was insufficient time for all matters to be heard on June 2, 2010 and as the other applications were of a more urgent nature, the Tenant's application in this matter was further adjourned to today for hearing. New notices with the date and time for the hearing of the Tenant's application in this matter were mailed to each of the Parties. The date and time of the re-convened hearing was also set out in the Decision issued on June 2, 2010 to each of the Parties. The hearing started at 11:00 a.m. as scheduled however, the Tenant did not dial into the teleconference and as a result, the hearing proceeded in her absence.

At the hearing held on June 2, 2010, the Landlord was granted an Order of Possession to take effect 2 days after service of it on the Tenant. The Tenant's application (which also included an application for repairs) was dismissed without leave to reapply. The Landlord claimed at the beginning of the hearing that the Tenant moved out of the rental property in mid-June 2010. Consequently, as the tenancy has ended, the Tenant's application for an order prohibiting or restricting the Landlord from entering the rental unit is dismissed without leave to reapply. As indicated, the Tenant's application for an Order that the Landlord make repairs has already been dismissed without leave.

In the absence of any sworn or affirmed evidence from the Tenant to support her application for compensation, that part of her claim as well as her application to recover the filing fee for this proceeding are dismissed without leave to re-apply.



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Page: 2

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## Conclusion

The Tenant's application is dismissed without leave to re-apply. 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 09, 2010.

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Dispute Resolution Officer