



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Landlord's application: OPB

Tenants' application: OLC; FF

Introduction

This Hearing was convened to consider cross applications. The Landlord seeks an Order of Possession. The Tenants seek an Order that the Landlord comply with the Act, regulation or tenancy agreement; and to recover the cost of the filing fee from the Landlord.

The Tenant BT gave affirmed testimony at the Hearing.

The Tenant testified that he personally served the Landlord with the Notice of Hearing documents at his residential address, on April 26, 2010, in the afternoon.

Based on the Tenant's affirmed testimony, I am satisfied that the Landlord was served with the Notice of Hearing documents in accordance with the provisions of Section 89(1)(a) of the Act. Despite being served with the Notice of Hearing documents, the Landlord did not sign into the teleconference and the Hearing continued in his absence.

The Landlord's application was scheduled to be heard on May 12, 2011, at 10:30 a.m. The Tenant signed into the Hearing at 10:30 a.m. and was ready to proceed. By 10:40 a.m., the Landlord had not yet signed into the Hearing. Therefore the Landlord's application is dismissed without leave to reapply.

Issues to be Decided

- Is the Tenant entitled to an Order that the Landlord comply with the Act, regulation or tenancy agreement?

Background and Evidence

The Tenant provided the following testimony:

The Tenants moved out of the rental unit on April 30, 2011. When they filed their Application they were still living in the rental unit.

Analysis

The Application for Dispute Resolution makes it clear that the Applicant must provide the section of the Act or regulations on which the application for an order to comply is based. The Tenants did not indicate on their Application for Dispute Resolution what section of the Act or regulation they wished to have the Landlord comply with, nor did they describe it in the “Details of Dispute” portion of the Application. In any event, the tenancy has ended. Therefore, the Tenants’ application is dismissed in its entirety.

Conclusion

Both applications are dismissed in their entirety.

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 12, 2011.

Residential Tenancy Branch