



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Craft Properties Ltd. & Royal Crescent estates  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, AAT, OLC, FF

### Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were heard together.

The tenant's application is a request for an order for the landlord to allow access to the unit, an order for the landlord to comply with the act or tenancy agreement, and an order for recovery of the filing fee.

The landlord's application is a request for an order of possession based on a Notice to End Tenancy for cause.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

### Issue(s) to be Decided

By the date of the hearing the tenant had vacated the rental unit and therefore the only remaining issue to deal with was whether or not to order recovery of the tenants filing fee, as the landlord testified that they already have possession of the rental unit.

### Background and Evidence

The tenant testified that she has moved out of the rental unit as of August 31, 2016 however she is requesting recovery of her filing fee because she feels the landlord harassed, bullied, and threatened her during her tenancy, and that is why she had filed her original application for dispute resolution. She further testified that she did not receive the Notice to End Tenancy until after she filed her application for dispute resolution.

The tenant further testified that she feels the Notice to End Tenancy was just further harassment, and she decided to vacate the rental unit.

The landlord testified that she believes they should not have to pay the filing fee because the tenant did not serve them with the hearing package; all that was served was the face page of the tenant's application for dispute resolution which gives them no information at all about the dispute.

In response to the landlords testimony the tenant testified that she believed the landlords had all the information and therefore she only served the face page of the application for dispute resolution.

### Analysis

Section 3.1 of the Residential Tenancy Branch Rules of Procedure states:

#### **Documents that must be served with the hearing package**

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; and

d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC office with the Application for Dispute Resolution, in accordance with Rule 2.5 [*Documents that must be submitted with an Application for Dispute Resolution*].

In this case the tenant has admitted that she did not serve all the documents required and therefore it is my decision that I will not allow her request for recovery of the filing fee.

### Conclusion

#### Landlord's application

The landlord testified that she already has possession of the rental unit and therefore an order of possession is no longer required.

#### Tenant's application

The tenant testified that she has already moved out of the rental unit and therefore no Orders for access or for the landlord to comply are required.

The tenants request for recovery of the filing fee 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: September 14, 2016

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Residential Tenancy Branch