



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

LRE, OLC, FF

Introduction

This hearing was convened in response to an application by the tenant on October 12, 2017 pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. Suspend or make conditional the landlord's right to enter the unit - Section 70
2. Order the landlord to comply with the Act – Section 43 & 44
3. An Order to recover the filing fee for this application - Section 72.

I accept the tenant's testimony that despite the landlord having been personally served with the application for dispute resolution and notice of hearing in accordance with Section 89 of the Residential Tenancy Act (the Act) the landlord did not participate in the conference call hearing.

At the outset of the hearing the tenant advised they have vacated the rental unit pursuant to the landlord's 2 Month Notice to end and have received the prescribed compensation as a result.

The tenant made a request to orally amend their application in the hearing seeking monetary compensation for other matters. The tenant did not apply for compensation therefore has not placed the landlord on notice in respect to the claim. In the absence of the landlord and in the absence of an application for monetary relief the tenant was not permitted to orally amend their claim.

Analysis and Conclusion

Having vacated the rental unit the tenant's application to set conditions on the landlord's right to enter the rental unit is no longer applicable.

Having vacated the rental unit the tenant's application for the landlord to comply with Section 43 in respect to an increase of the rent starting January 2018 is no longer applicable. The tenant's application in respect to the landlord's verbal notice for the tenant to vacate is also no longer applicable.

As a result of the above, the tenant's application is dismissed in its entirety, without leave to reapply.

The tenant was advised it is available to them to file for dispute resolution if they have a monetary claim against the landlord.

This Decision is final and binding.

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: January 03, 2018

Residential Tenancy Branch