



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE, OLC, RP, FF

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 49;
2. An Order suspending the Landlord’s right of entry - Section 70;
3. An Order for the Landlord’s compliance - Section 62;
4. An Order for repairs - Section 32; and
5. An Order to recover the filing fee for this application - Section 72.

The Landlord did not attend the hearing. I accept the Tenant’s evidence that the Landlord was served with the application for dispute resolution and notice of hearing (the “Materials”) by registered mail on July 17, 2018 in accordance with Section 89 of the Act. Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if given or served by mail, on the 5th day after it is mailed. Given the evidence of registered mail I find that the Landlord is deemed to have received the Materials on July 22, 2018. The Tenant was given full opportunity to be heard, to present evidence and to make submissions.

The Tenant states that she moved out of the unit on September 1, 2018 and is living in another residence. The Tenant states that she left some items in the unit and has not returned the keys as the Landlord is not allowing the Tenant back into the unit and as the Landlord has placed some of the Tenant’s personal property outside the unit. The Tenant states that she did not speak to anyone at the Residential Tenancy Branch (the

“RTB”) for information as she had to work and did not have time to wait to get through to the RTB on the phone line. The Tenant states that she was seeking the Landlord’s compliance with the Act in relation to the notice to end tenancy for landlord’s use (the “Notice”) that the Tenant was originally disputing as the Tenant believes that the Landlord will not use the unit for the reason stated on the Notice: the landlord or a close family member of the landlord intends to occupy the unit.

Based on the Tenant’s evidence that she has moved out of the unit and as the orders sought by the Tenant are only relevant to an ongoing tenancy, I dismiss the Tenant’s application. The Tenant remains at liberty to make an application if the Landlord breached any of the Tenant’s rights under the Act or tenancy agreement and if these breaches caused the Tenant any losses or if the Landlord does not use the unit for the stated reason on the Notice. I encourage the Tenant to seek relevant information from an information office with the RTB and/or access the information provided by the RTB online in order to understand her rights and the Landlord’s obligations.

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 07, 2018

Residential Tenancy Branch