



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RR, OLC, FFT

Introduction and Preliminary Matters

On November 27, 2019, the Tenant applied for a Dispute Resolution proceeding seeking a rent reduction pursuant to Section 65 of the *Residential Tenancy Act* (the “*Act*”), seeking an Order to comply pursuant to Section 62 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

The Tenant attended the hearing; however, the Landlord did not appear during the 11-minute hearing. All parties in attendance provided a solemn affirmation.

The Tenant advised that she served the Landlord with the Notice of Hearing and evidence package by registered mail on December 6, 2019 (the registered mail tracking number is on the first page of this decision). The registered mail tracking history confirmed that the Landlord signed for this package on December 11, 2019. Based on the undisputed testimony, in accordance with Sections 89 and 90 of the *Act*, I am satisfied that the Landlord was served this package.

The Tenant advised that she had given up vacant possession of the rental unit on January 1, 2020. As the Tenant has already given up vacant possession of the rental unit, I am unable to award any rent reduction or Order the Landlord to comply for a tenancy that is no longer ongoing. As such, I have not heard the matters within this Application, nor have I made any findings in law with respect to the issues at hand. The Tenant is at liberty to apply for monetary compensation back from the Landlord in a separate Application.

As the Tenant was not successful in this Application, I find that the Tenant is not entitled to recover the filing fee in the amount of \$100.00.

Conclusion

I dismiss the Tenant's Application for Dispute Resolution without leave to reapply.

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 24, 2020

Residential Tenancy Branch