



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **LRE, FFT**

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order to suspend a landlord's right to enter the rental unit pursuant to section 70; and
- Authorization to recover the filing fees from the landlord pursuant to section 72.

The tenant attended the hearing, calling in at 11:05 a.m. for a hearing that commenced at 11:00 a.m. The landlord did not attend the hearing. The tenant testified he served the landlord with the Notice of Dispute Resolution Proceedings package by posting it to the landlord's residential door on either December 18 or December 19<sup>th</sup>. The tenant cannot recollect the date. The tenant testified that he was removed from the rental unit on January 3 or January 4, 2020 by the bailiffs in accordance with the Order of Possession issued on December 9, 2019, supplied as evidence in this proceeding by the tenant.

### Preliminary Issue

Pursuant to section 62(4) of the Act

#### **Director's authority respecting dispute resolution proceedings:**

The director may dismiss all or part of an application for dispute resolution if

- (a) there are no reasonable grounds for the application or part,
- (b) the application or part does not disclose a dispute that may be determined under this Part, or
- (c) the application or part is frivolous or an abuse of the dispute resolution process.

As the tenant no longer occupies the rental unit, there is no landlord/tenant relationship in existence between the parties. The order sought by the tenant is not a matter that may be determined by the director and I dismiss the tenant's application for an order to suspend the landlord's right to enter the rental unit pursuant to section 62 of the Act.

As the tenant was unsuccessful in his application, the filing fee will not be recovered.

Conclusion

The tenant's application is dismissed 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: February 21, 2020

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Residential Tenancy Branch