



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT

Introduction

On March 16, 2020 the tenant submitted an Application for Dispute Resolution requesting an order that the landlord comply with the *Residential Tenancy Act* (the “*Act*”), the regulations and/or the tenancy agreement. The tenant also applied for the filing fee for this application. The matter proceeded by way of a hearing pursuant to section 74(2) of the *Act* on May 12, 2020. The tenant attended the telephone conference call hearing; the landlord did not attend.

To proceed with this hearing, I must be satisfied that the tenant made reasonable attempts to serve the landlord with notice of this hearing. This means the tenant must provide proof that the document has been served in a verified manner allowed under section 89 of the *Act*, and I must accept that evidence.

The tenant stated that they served a copy of the Notice of Dispute Resolution to the landlord via registered mail. They provided the Canada Post registered mail tracking number and reference the tracking record to verify that it was delivered on March 27, 2020. The tenant stated they also took the measure of sending evidence material via email to the landlord. The tenant also stated that the landlord confirmed verbally to them that they had received the evidence package and knew of this hearing.

I accept the tenant’s undisputed testimony regarding the service of the hearing documents and find, pursuant to section 90 of the *Act*, that the landlord is deemed to have received notice of this hearing.

Issue(s) to be Decided

Is the tenant entitled to an order for the landlord to comply with the *Act*, regulations, and/or the tenancy agreement?

Is the tenant entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Conclusion

The tenant attended the hearing and spoke to the immediate matter concerning the tenancy. They stated that the situation that prompted them to apply for dispute resolution has since been rectified. They stated there is no need to proceed in this matter where the main problem is resolved.

As such, I find the tenant has withdrawn their claim. For this reason, I dismiss the tenant's application without leave to reapply.

I find the tenant had to apply for dispute resolution because of the inaction of the landlord. As such, I find they are eligible to receive reimbursement for the filing fee for this application. I authorize the tenant to withhold the amount of \$100.00 from one future rent payment.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: May 12, 2020

Residential Tenancy Branch