



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- an order for the landlord to comply with the Act, the Residential Tenancy Regulation (the Regulation) and/or tenancy agreement, under section 62; and
- an authorization to recover the filing fee for this application, under section 72.

Both parties attended the hearing. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The landlord confirmed receipt of the tenant's application and evidence (the materials) on December 04, 2020 by registered mail. The tenant served the materials in accordance with section 89(1)(c) of the Act.

The landlord served her response evidence by registered mail. The tenant confirmed she received a note from Canada Post informing her a registered mail package from the landlord was available for her to pick up in the post office on January 27, 2021 and she decided not to pick up the package. The tenant is deemed served the landlord's response evidence on February 01, 2021, in accordance with sections 89(1)(c) and 90(a) of the Act.

Preliminary Issue – Moot Application

At the outset of the hearing both parties agreed the periodic tenancy started on November 03 and ended on November 30, 2020. The application was submitted on November 21, 2020.

The tenant stated she is seeking for an order for the landlord to return the amount of \$750.00 collected by the landlord as the payment of the last month rent in advance. A

monetary order worksheet was not submitted into evidence. The tenant's application states:

01 - I want the landlord to comply with the Act, regulation and/or the tenancy agreement

Applicant's dispute description

I prepaid last month's rent illegally and my stay ends at the end of the month (November 30th, 2020) and my landlord refuses to return my rightful monies even at that time.

The application for an order for the landlord to comply with the Act is moot, as the tenancy has ended. The tenant did not amend her application to obtain a monetary order.

Section 62(4)(b) of the Act the dismiss all or part of an application for dispute resolution which does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss this application for dispute resolution. The tenant is at liberty to submit an application to receive a monetary award.

As the tenant was not successful, she must bear the cost of the filling fee.

Conclusion

I dismiss the tenant's application 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 23, 2021

Residential Tenancy Branch