



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, OLC, FFT, OPRM-DR, OPR-DR-PP, FFL

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”).

The Tenant applied on December 31, 2020 for:

1. An Order cancelling a notice to end tenancy - Section 46;
2. An Order restricting the Landlord’s access - Section 70;
3. An Order for the Landlord’s compliance - Section 62; and
4. An Order to recover the filing fee for this application - Section 72.

The Landlord applied on January 1, 2021 for:

1. An Order of Possession - Section 55;
2. An Order for unpaid rent or utilities - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

This matter was set for a conference call hearing at 9:30 a.m. on this date. The Arbitrator called in to the hearing at the scheduled time. The line remained open while the phone system was monitored for ten minutes. The only Party who called into the hearing during this time was the Tenant who was ready to proceed.

I accept the Tenant’s evidence that the Landlord was served with the Tenant’s application for dispute resolution and notice of hearing (the “Materials”) by registered mail on January 5, 2021 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 January 10, 2021.

The Tenant states that they moved out of the unit on February 28, 2021 and that all rents have been paid. It was confirmed that the correct call-in numbers and participant codes were provided in the notice of hearing to the Landlord. As the Landlord did not attend the hearing to pursue its application and based on the Tenant's undisputed evidence, I dismiss the Landlord's application without leave to reapply. As the Tenant has moved out of the unit and as its claims are only in relation to keeping the tenancy ongoing or an ongoing tenancy, 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 Act.

Dated: March 26, 2021

Residential Tenancy Branch