



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ERP FFT

### Introduction

The tenant applied for an order for emergency repairs pursuant to sections 33 and 62 of the *Residential Tenancy Act* ("Act"), and, they sought to recover the cost of the application filing fee under section 72 of the Act.

Only the tenant attended the hearing on March 29, 2021, held by teleconference, which began at 9:30 AM and then ended at 9:35 AM. The landlord did not attend, though I am satisfied based on the tenant's evidence that the landlord was served with the Notice of Dispute Resolution Proceeding and the tenant's documentary evidence in compliance with Act and the Rules of Procedure.

### Preliminary Issue: Tenancy Has Ended

The tenancy began on March 1, 2021 and ended on March 9, 2021 when the tenant moved out. Having confirmed with me that the tenancy has ended, I explained to the tenant that the issues for which they filed their application are now moot. In other words, there is no relief under the Act that I can now grant. The tenant remarked that this made sense to them. As such, I am left with no alternative but to dismiss the tenant's application without leave to reapply.

Regarding the unrelated matter of the landlord holding onto the tenant's property, the tenant and the landlord are urged to review sections 24 and 25 of the [Residential Tenancy Regulation](#) and to familiarize themselves with their respective legal obligations.

Should the landlord fail to return the tenant's property in compliance with the regulation then the tenant may have a claim for compensation and/or an order against the landlord to return the tenant's personal property.

Conclusion

The tenant's application is dismissed without leave to reapply.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: March 29, 2021

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Residential Tenancy Branch