



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RAINBOW LAKE CASTLE RESORT and [tenant  
name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OLC

### Introduction

This hearing was convened as a result of a tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The tenant applied for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and to recover the cost of the filing fee, which includes a request to determine that the Act applies to the tenant's living arrangement.

The tenant, the fiancée of the tenant, DW (fiancée) and two agents for the landlord, DLO and SL (agents) attended the teleconference hearing. The parties gave affirmed testimony. As both parties confirmed having been served with documentary evidence from the other party, I find that both parties were sufficiently served in accordance with the Act.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

### Preliminary and Procedural Matters

The parties were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The parties were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the parties were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. Neither party had any questions about my direction pursuant to RTB Rule 6.11.

In addition, the parties confirmed their respective email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them.

At the outset of the hearing, the parties confirmed that they had a previous hearing on October 14, 2021 and reached a mutually settled agreement pursuant to section 63 of the Act. The previous decision file number has been included on the style of cause for ease of reference (Previous Decision). The parties confirmed that as part of the Previous Decision, the landlord was granted an order of possession under the Act for November 1, 2021 at 1:00 p.m. Pacific Standard Time (PST).

### Analysis and Conclusion

The tenant's application is dismissed as the tenancy is ending on November 1, 2021 and an order of possession has been granted for that date for 1:00 p.m.

Given the above, I find the application is now moot and is dismissed without leave to reapply.

As the filing fee was waived it is not granted.

This decision will be emailed to both parties as described above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: October 28, 2021

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Residential Tenancy Branch