



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MNDCT OLC RP PSF LRE LAT

Introduction

This hearing dealt with two Applications for Dispute Resolution (applications) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 10 Day Notice for Unpaid Rent or Utilities (10 Day Notice) although no 10 Day Notice was submitted in evidence, for regular repairs to the rental unit, site or property, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, for an order to provide services or facilities agreed upon but not provided, for authorization to change the locks of the rental unit, and for an order to suspend or set conditions on the landlord's right to enter the rental unit, site or property.

Attending the teleconference hearing was the tenant, the landlords, and counsel for the landlord, BP (counsel). Although a witness for the tenant attended, LW (witness), the witness was not called to testify. The parties were affirmed and the hearing process was explained to the parties. The parties were also given the opportunity to ask questions.

The tenant was provided with a copy of 2 Notices of Dispute Resolution Hearing (Notices of Hearing) and counsel submitted that the tenant failed to serve either of the Notices of Hearing and only became aware of the hearing when counsel called the RTB and obtained a courtesy copy of the hearing details.

I find the tenant failed to serve the required documents on the respondent in accordance with the Act and Residential Tenancy Branch (RTB) Rules of Procedure (Rules). Therefore, I dismiss both tenant applications in full due to a service issue.

Preliminary and Procedural Matters

The parties were informed at the start of the hearing that recording of the dispute resolution is prohibited under the RTB 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. The parties had no questions about my direction pursuant to RTB Rule 6.11.

In addition, the parties confirmed their email addresses at the outset of the hearing and were advised that the decision would be emailed to them.

The parties confirmed the tenant has vacated the rental unit. Counsel requested an order of possession which was denied as no copy of a 10 Day Notice was submitted for my consideration. As a result, I am unable to determine under section 55(1) and 55(1.1) of the Act if the 10 Day Notice complied with section 52 of the Act.

Analysis

The tenant's applications are dismissed with leave to reapply due to a service issue. The tenant is beyond the timeframe permitted to dispute a 10 Day Notice however.

The filing fees were already waived.

The landlords are not granted an order of possession due to the fact that a 10 Day Notice was not submitted in evidence and the timeframe to submit evidence has passed.

Conclusion

The two applications of the tenant are dismissed with leave to reapply, with the exception of the 10 Day Notices, as the tenancy has already ended by way of the tenant vacating the rental unit.

The parties confirmed the tenant has vacated the rental unit.

This decision will be emailed to both parties.

This decision is final and binding on the parties, except as 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: February 14, 2022

Residential Tenancy Branch