



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The Tenant applied for an order of possession, pursuant to section 54 of the *Residential Tenancy Act* (the "Act"). The participatory hearing was held, via teleconference, on February 10, 2022.

The Landlord and the Tenant both attended the hearing. All parties provided affirmed testimony and were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. The Landlord confirmed receipt of the Tenant's application and evidence and did not take issue with the service of those documents. The Landlord did not provide any documentary evidence.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence submitted in accordance with the rules of procedure, and evidence that is relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

The Tenant explained that towards the end of December 2021, she was locked out of her rental unit, and was forced to move to another location. The Landlord responded by stating that the Tenant was having significant mental health challenges, and while she was in and out of the hospital and away from the rental unit, the pipes froze in the house, and flooded some parts (rendering it uninhabitable).

The Tenant filed an application in early January 2022 seeking an order of possession, so that she could continue the tenancy. However, since that time, she stated that she

has found a new place to live, and no longer wishes to get an order of possession and to continue the tenancy. Given the Tenant no longer wants to continue the tenancy, and doesn't wish to obtain an order of possession, I find the Tenant's application is now moot, and is dismissed, without leave to reapply.

Both parties confirmed that the Tenant still has some of her belongings in the rental unit, and the parties agreed to work together to allow the Tenant to retrieve the remainder of her belongings from the rental unit. The parties agreed they will have these conversations after the hearing, once the Tenant has a better idea about times and dates that work. Should the parties be unable to resolve matters regarding the return of personal property, or any monetary matters from the tenancy, they are granted leave to apply for dispute resolution for those matters.

Conclusion

The Tenant's application for an order of possession is dismissed, without leave.

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 10, 2022

Residential Tenancy Branch