



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      LRE, OLC, FFT, CNC, FFT

### Introduction

This hearing was convened by way of conference call in response to two Applications for Dispute Resolution (the “Applications”) filed by the Tenant, the first on October 21, 2021, and the second on October 29, 2021. The Tenant applied as follows:

- To suspend or set conditions on the Landlord's right to enter the rental unit
- For an order that the Landlord comply with the Act, regulation and/or the tenancy agreement in relation to cameras in the rental unit
- To dispute a One Month Notice to End Tenancy for Cause
- To recover the filing fees

The Tenant and Landlord appeared at the hearing.

There were five additional tenants named on the first Application for Dispute Resolution. The Tenant advised that they are the only one who filed the Applications and confirmed that the remaining five tenants are not involved in the Applications and should not be named in the Applications.

The parties agreed at the outset of the hearing that the Tenant moved out of the rental unit January 02, 2022.

The Landlord confirmed at the outset of the hearing that their position is that the *Residential Tenancy Act* (the “Act”) does not apply to the parties pursuant to section 4(c) of the Act which states:

This Act does not apply to...

(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation...

The Tenant took the position that the *Act* does apply to the parties and that the Tenant did not share bathroom or kitchen facilities with the owner of the rental unit.

The Tenant confirmed they do not want to move back into the rental unit or continue the tenancy. The Tenant mentioned wanting compensation from the Landlord.

Given the Tenant was no longer living at the rental unit on the date of the hearing and did not want to return to the rental unit or continue the tenancy, the issues raised in the Applications are moot. The Tenant acknowledged that the issues raised in the Applications are now moot. I told the Tenant I would dismiss the Applications without leave to re-apply and that the Tenant will not be awarded the filing fees because the Applications are now moot and being dismissed and therefore the Tenant has not been successful in the Applications. I told the Tenant they can file an Application for Dispute Resolution for compensation if they believe the Landlord owes them compensation.

Neither party had questions about the above.

The Applications are dismissed without leave to re-apply because the Tenant has moved out of the rental unit and the issues are now moot. I have not considered whether the Landlord is entitled to an Order of Possession pursuant to section 55(1) of the *Act* because the Tenant has moved out of the rental unit.

I have not heard the parties on the jurisdiction issue because there are no substantive issues before me and therefore it is not necessary for me to decide jurisdiction. The parties can argue the jurisdiction issue at any further hearings with the RTB.

### Conclusion

The Applications are dismissed without leave to re-apply.

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 01, 2022

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Residential Tenancy Branch