



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order of possession for unpaid rent, pursuant to section 55.

The tenant did not attend this hearing, which lasted approximately 20 minutes. The landlord's agent and her translator attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

This hearing began at 9:30 a.m. and ended at 9:50 a.m. I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord's agent, her translator, and I were the only people who called into this teleconference.

The landlord's agent confirmed the names and spelling for her and her translator. She provided her email address for me to send a copy of this decision to the landlord after the hearing. She stated that she is the wife of the landlord named in this application and that she had permission to speak on his behalf. She confirmed that the landlord owns the rental unit and provided the rental unit address. She said that her translator had permission to assist her with English language translation at this hearing.

At the outset of this hearing, I informed the landlord's agent and her translator that recording of this hearing was not permitted by anyone, as per Rule 6.11 of the Residential Tenancy Branch *Rules of Procedure*. The landlord's agent's translator affirmed, under oath, that neither he, nor the landlord's agent, would record this hearing.

I explained the hearing process to the landlord's agent and her translator. I informed them that I could not provide legal advice to them. I notified them that they could hire a lawyer to obtain legal advice, as my role as an arbitrator was to make a decision about this application. They had an opportunity to ask questions. They did not make any adjournment or accommodation requests.

At the outset of this hearing, the landlord's agent stated that she did not have the landlord's application in front of her and she was unsure of what the landlord applied for in this application. She said that she thought this was a direct request application. A direct request application is an ex-parte hearing, based on the landlord's paper application only. I informed her that this was an oral participatory hearing, not a direct request ex-parte hearing.

At the outset of this hearing, the landlord's agent confirmed that the tenant vacated the rental unit. She said that the SPCA called the landlord and said there were abandoned animals at the rental unit. She confirmed that the landlord entered the rental unit, without the tenant being present, and examined the tenant's belongings and took photographs, which were submitted on March 16, 2022, as evidence for this hearing.

I notified the landlord's agent and her translator that the landlord's application for an order of possession, was dismissed without leave to reapply. I informed them that the landlord already took back possession of the rental unit, confirmed that the tenant vacated the rental unit, and entered the rental unit and took photographs without notice and without the tenant present. They confirmed their understanding of same.

Conclusion

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

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: March 17, 2022

Residential Tenancy Branch