



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Summerfield Far East Ltd, A A Property Management Ltd and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

For the tenants: CNR, MNDCT, AAT, RP, PSF, RR, LRE, OLC, FFT  
For the landlord: OPR-DR, MNR-DR, FFL

### **Introduction**

This hearing was convened as the result of the cross applications of the parties for dispute resolution seeking remedy under the Residential Tenancy Act (Act).

The tenants applied for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord;
- compensation for a monetary loss or other money owed;
- an order requiring the landlord to allow access to the rental unit for the tenant and his guests;
- an order requiring the landlord to make repairs to the rental unit;
- an order requiring the landlord to provide for services or facilities required by the tenancy agreement or the Act;
- a reduction in monthly rent;
- an order suspending or setting conditions on the landlord's right to enter the rental unit;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement; and
- to recover the cost of the filing fee.

The landlord applied for:

- an order of possession of the rental unit pursuant to the Notice served to the tenants;
- a monetary order for unpaid rent; and
- to recover the cost of the filing fee.

The tenant attended the hearing; no one attended for the landlords.

Upon consideration of service of the Application for Dispute Resolution, evidence, and Notice of Hearing (application package) to the landlords, the tenant could not provide evidence how or when the landlord was served. I therefore find the tenant submitted insufficient evidence of service of the application package to the landlords.

Additionally, the tenant confirmed they vacated the rental unit on January 27, 2022.

I have reviewed the oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

#### **Preliminary and Procedural Matter #1 –Tenants’ application**

As the tenancy ended on or about January 27, 2022, I find the matters relating to all issues other than the tenants’ request for monetary compensation are matters relating to an ongoing tenancy. As the tenancy has ended, I **dismiss, without leave to reapply**, all issues listed by the tenants, with the exception of the tenants’ monetary claim.

I **dismiss** the tenants’ monetary claim, **with leave to reapply**, as I find the tenants submitted insufficient evidence that they served the landlords with their application for dispute resolution.

Likewise, I dismiss the tenants’ request for recovery of the filing fee, without leave to reapply.

#### **Preliminary and Procedural Matter #2 –Landlords’ application**

Despite having their own hearing scheduled for 11:00 am on April 1, 2022, the landlord’s representatives failed to attend the hearing.

Rules 7.3 and 7.4 of the Rules of Procedure provides as follows:

**7.3 Consequences of not attending the hearing**

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

**7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the landlord at the hearing, **I order their application dismissed, without leave to reapply**, as the tenant attended the hearing.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: April 02, 2022

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Residential Tenancy Branch