



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **RPP, MNDCT, FFT**

### Introduction

This hearing was convened as a result of the Tenant's application for dispute resolution ("Application") under the *Residential Tenancy Act* ("Act"). The Tenant applied for:

- an order for the Landlord to return the Tenant's personal property pursuant to section 65;
- an order to seek a monetary order for compensation from the Landlord pursuant to section 67; and
- authorization to recover the filing fee of the Application from the Landlord pursuant to section 72..

The Landlord did not attend this hearing. I left the teleconference hearing connection open until 1:54 pm in order to enable the Landlord to call into this teleconference hearing scheduled for 1:30 pm. The Tenant attended the hearing and he was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding ("NDRP"). I also confirmed from the teleconference system that the Tenant and I were the only ones who had called into this teleconference.

The Tenant stated he served the NDRP on the Landlord by registered mail on March 29, 2022. The Tenant submitted the Canada Post tracking number for service of the NDRP on the Landlord. I find the NDRP was served on the Landlord in accordance with the provisions of section 89 of the Act.

Preliminary Matter – Request by Tenant to Withdraw Application

At the outset of the hearing, the Tenant stated the Landlord had locked him out of the rental unit without obtaining an Order of Possession from an arbitrator of the Residential Tenancy Branch. As such, the eviction was not made in compliance with the requirements of the Act. The Tenant also stated the Landlord would not return his personal possessions contrary to the provisions of section 26(3) of the Act. The Tenant stated that, as the Landlord locked him out of his rental unit, he does not have a copy of the tenancy agreement and he is not sure of the names of the landlord or landlords. As a result, the Tenant stated he was not prepared for the hearing and requested he be allowed to withdraw the Application with leave to reapply.

As the Landlord did not attend the hearing, I find the Tenant's request to withdraw the Application would not prejudice the Landlord as the Application does not include a claim by the Tenant to dispute a notice to end tenancy. As such, I dismiss the Application with leave to reapply.

I note that, if the Tenant is unsure of the name(s) of the landlord(s) of the rental unit, the Tenant has the option of obtaining a State of Title Certificate for the rental unit by calling 1-877-577-5872 or, alternatively, visiting a local Service BC office, and then use that information to name the landlord or landlords in an application for dispute resolution.

Conclusion

The Application is dismissed with 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: May 24, 2022

---

Residential Tenancy Branch