



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, OLC, FFT

Introduction

The Tenant applies for the following relief under the *Residential Tenancy Act* (the “*Act*”):

- An order pursuant to s. 70 allowing access to the rental unit for her or her guest;
- An order pursuant to s. 62 that the Landlord comply with the *Act*, tenancy agreement, and/or the Regulations; and
- An order for the return of her filing fee pursuant to s. 72.

M.S. appeared as the Tenant. A.C. appeared as the Landlord.

The parties affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. The parties confirmed that they were not recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

The Tenant advised that she served the Landlord with her Notice of Dispute Resolution and evidence by way of email sent on May 21, 2022. The Tenant received a substitutional service order on May 18, 2022 to permit service via email. The Landlord acknowledges receipt of the Tenant’s application materials. I find that the Notice of Dispute Resolution and evidence was served in accordance with s. 89 of the *Act*.

The Landlord confirmed he did not provide responding evidence.

Dismissal of the Tenant’s Application

The Tenant advised that she vacated the rental unit on April 30, 2022. The Tenant further confirmed that she has removed all of her belongings and no longer needs access to the rental unit. I find that the tenancy ended on April 30, 2022.

Claims under s. 70 for access to the rental unit are only relevant should the Tenant still have a right to possess the rental unit under an active tenancy agreement. That is not the case at present. The Tenant confirms she no longer requires access to the rental unit. Accordingly, the Tenant's claim under s. 70 of the *Act* is dismissed without leave to reapply.

The Tenant's second claim for an order that the Landlord comply with the *Act*, tenancy agreement, or Regulations is only relevant if there is an active tenancy. As the tenancy is over, the Tenant's claim under s. 62 of the *Act* is moot and it too is dismissed without leave to reapply.

As the Tenant's claim was unnecessary and was dismissed, I find that she is not entitled to the return of her filing fee. She shall bear the costs for her own application. The Tenant's claim under s. 72 of the *Act* 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: June 23, 2022

Residential Tenancy Branch