



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes LRE, OLC, FFT

Introduction

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

- an Order that the landlord's right to enter be suspended or restricted, pursuant to section 70;
- an Order directing the landlord to comply with the *Act*, regulation or tenancy agreement, pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

Tenant P.B., landlord V.L. and the landlord's advocate attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Both parties were advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. Both parties testified that they are not recording this dispute resolution hearing.

Per section 95(3) of the *Act*, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5 000."

Both parties confirmed their email addresses for service of this Decision.

Preliminary Issue- Amendment

Tenant P.B. testified to the proper spelling of her first name. Tenant P.B.'s first name listed on this application for dispute resolution is the shortened version of tenant P.B.'s

first name. Pursuant to section 64 of the *Act*, I amend the tenants' application for dispute resolution to state tenant P.B.'s legal first name.

Preliminary Issue- Vacant Rental Unit

Both parties agree that this tenancy has ended and that the tenants no longer reside at the subject rental property.

The tenants' application for an Order that the landlord's right to enter be suspended or restricted, and an Order directing the landlord to comply with the *Act*, regulation or tenancy agreement are moot since the tenancy has ended and the tenants moved out of the rental unit.

Section 62(4)(b) of the *Act* states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the *Act*. I exercise my authority under section 62(4)(b) of the *Act* to dismiss the tenants' application without leave to reapply.

As the tenants' claims were dismissed, I find that the tenants are not entitled to recover their filing fee, pursuant to section 72 of the *Act*.

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: July 15, 2022

Residential Tenancy Branch