



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PANORAMA INN
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes Tenant: **AAT, CNR-MT, OLC, FFT**
Landlord: **MNRL, OPR, FFL**

Introduction

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

1. Cancellation of the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to Sections 46(1) and 62 of the Act;
2. More time to dispute the notice pursuant to Section 66 of the Act;
3. An Order for the Landlord to allow access to the unit for me and/or my guests pursuant to Section 70 of the Act;
4. An Order for the Landlord to comply with the Act, regulations, and tenancy agreement pursuant to Section 62(3) of the Act; and,
5. Recovery of the application filing fee pursuant to Section 72 of the Act.

This hearing also dealt with the Landlord's cross application pursuant to the Act for:

1. An Order of Possession for the 10 Day Notice pursuant to Sections 46 and 55 of the Act;
2. A Monetary Order to recover money for unpaid rent pursuant to Sections 26, 46 and 67 of the Act; and,
3. Recovery of the application filing fee pursuant to Section 72 of the Act.

The hearing was conducted via teleconference. The Tenant attended the hearing at the appointed date and time and provided affirmed testimony. The Landlord did not attend the 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 Tenant and I were the only ones who had called into this teleconference. Both the Tenant and I stayed in the call for 14 minutes in hopes that the Landlord would call in. The Tenant was given a full opportunity to be heard, to make submissions, and to call witnesses.

I advised the Tenant that Rule 6.11 of the Residential Tenancy Branch (the "RTB") Rules of Procedure prohibits the recording of dispute resolution hearings. The Tenant testified that she was not recording this dispute resolution hearing.

At the outset of the hearing, the Tenant testified that she vacated the rental unit on August 1, 2022.

I find that the tenancy ended on August 1, 2022 pursuant to Section 44(1)(d) of the Act. As the tenancy has come to an end, pursuant to Section 62(4), I have no authority to adjudicate the claims before me. I dismiss the Tenant's application without leave to re-apply.

The Landlord did not call into the hearing, and in the absence of any evidence or submissions from the Landlord, I order the Landlord's application dismissed with leave to re-apply. I make no findings on the merits of the matter.

Conclusion

As the tenancy has ended on August 1, 2022, pursuant to Section 62(4), I have no authority to adjudicate the claims before me. The Tenant's application is dismissed without leave to re-apply.

The Landlord's application is dismissed with leave to re-apply. This dismissal does not extend any time limitation that may apply under 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 Act.

Dated: August 23, 2022

Residential Tenancy Branch