



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M (x2), RPP, AAT, OLC, FFT (x2)

- a. CNL-4M, FFT
- b. RPP, FFT
- c. AAT, OLC
- d. CNL-4M

Introduction

- a. On April 8, 2022 the Tenant completed the Application for Dispute Resolution, to challenge the Four-Month Notice to End Tenancy for Demolition, Renovation, or Conversion to Another Use (“Four-Month Notice”). They allege the Landlord issued this Four-Month Notice on March 9, 2022. They also applied for reimbursement of the Application filing fee.
- b. On April 13, 2022 the Tenant completed another Application for the return of their personal property from the Landlord, and reimbursement of the filing fee.
- c. On April 11, 2022 the Tenant completed another Application, this for the Landlord’s allowance for access to the Tenant and/or their guests. The Tenant also sought the Landlord’s compliance with the legislation and/or the tenancy agreement.
- d. On April 7, 2022 the Tenant complete another Application, to dispute the Four-Month Notice.

The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on July 20, 2022. Both parties attended the conference call hearing. I explained the process and both parties had the opportunity to ask questions and present oral testimony during the hearing.

Preliminary Matter – Tenant service of the Notices

When I reviewed each of the four Tenant's Applications at the start of the hearing, the Landlord advised they did not receive notification of two of these Applications, items a. and b. listed above.

The Tenant did not describe how they served Notices provided by the Residential Tenancy Branch to the Landlord. There was no evidence provided by the Tenant to prove they served these documents to the Landlord which are strictly required to be served within 3 days, as per Rule 3.1 of the *Residential Tenancy Branch Rules of Procedure*.

Because the Tenant did not prove service, I dismiss each of these Applications in their entirety, without leave to reapply. The Landlord is fundamentally prejudiced without notification from the Tenant of these Applications that would require a response from the Landlord.

Preliminary Matter – tenancy already ended

Both parties attended the conference call hearing. At the start of the hearing, the Tenant confirmed they moved out from the rental unit; however, they phrased by saying they were "not currently sleeping there". The Tenant confirmed they were currently residing with their parents.

The Landlord presented that this tenancy ended by their separate Application. An Arbitrator granted an immediate order of possession to the Landlord on June 23, 2022. Since that time, the rental unit has been emptied, with work starting on a renovation.

The Landlord also presented that any personal property left behind by the Tenant was claimed by the Tenant's family members on two separate occasions.

Given that the tenancy previously ended, the validity of a Four-Month Notice, allegedly issued by the landlord on March 9, 2022 (as indicated by the tenant on their Application), is no longer at issue. I find the Landlord returned the Tenant's personal property to them, and that is no longer an issue.

Further, the issue of the Tenant's access to the rental unit for themselves and/or their guests, and the Landlord's compliance with the legislation/agreement, are not issues where there is no landlord-tenant relationship going forward and the Tenant does not have access to the rental unit at all.

For the chief reason that these present Applications concern a tenancy that already ended, I dismiss each of the Tenant's Applications in their entirety. There are no awards for reimbursement of the Application filing fees.

Conclusion

Each of the Tenant's Applications – listed as a. through d. above – are dismissed in their entirety, without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: August 9, 2022

Residential Tenancy Branch