



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, AAT, OLC, LRE, PSF, FFT (Tenant)
FFL, OPU-DR, MNU-DR, MNDCL, OPC (Landlord)

Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties.

The Tenant applied April 22, 2022, for the following:

- To dispute a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities issued in April
- For an order that the Landlord allow access to the unit
- For an order that the Landlord comply with the Act, regulation and/or the tenancy agreement
- For an order to suspend or set conditions on the Landlord's right to enter the rental unit
- For an order that the Landlord provide services or facilities required by the tenancy agreement or law
- To recover the filing fee

The Tenant applied May 10, 2022, for the following:

- To dispute a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities issued in May
- To recover the filing fee

The Landlord applied May 10, 2022, for the following:

- For an Order of Possession based on a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities issued in April
- To recover unpaid rent
- For compensation for monetary loss or other money owed
- For an Order of Possession based on a One Month Notice to End Tenancy for Cause
- To recover the filing fee

The Tenant appeared at the hearing. The Landlord did not appear at the hearing.

Tenant's Applications

The Tenant advised that they moved out of the rental unit in July of 2022. The Tenant withdrew their requests, other than their requests to recover the filing fees for their applications.

I waited 10 minutes to allow the Landlord to attend the hearing; however, the Landlord did not do so.

I allowed the Tenant to withdraw their requests. Although the Tenant would usually require the Landlord's agreement to withdraw the disputes of the 10 Day Notices, I did not require this because the Landlord had their own application set for hearing today as well and they chose not to attend the hearing to seek an Order of Possession. Further, the Tenant has moved out of the rental unit and the Landlord does not require an Order of Possession.

I decline to award the Tenant reimbursement for the filing fees. Filing fees are awarded when parties are successful on their applications. The Tenant has not been successful on their applications because the Tenant moved out of the rental unit and therefore the applications are no longer an issue. The requests to recover the filing fees are dismissed without leave to re-apply.

Landlord's Application

Rule 7.3 of the Rules of Procedure (the "Rules") states:

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

The Landlord did not attend the hearing whereas the Tenant did attend. In the circumstances, the Landlord's application is dismissed without leave to re-apply.

Conclusion

The Tenant's requests are withdrawn, other than the requests to recover the filing fees which are dismissed without leave to re-apply.

The Landlord's application is dismissed without leave to re-apply.

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