



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, PSF, LRE, RPP, OLC, FFT

### Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding a tenancy. On April 30, 2022 the tenant applied for:

- an order cancelling a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities;
- an order for the landlord to provide services or facilities required by the tenancy agreement or law;
- an order to suspend or set conditions on the landlord's right to enter the rental unit or site;
- an order for the landlord to return their personal property;
- an order for the landlord to comply with the Act, regulation, and/or the tenancy agreement; and
- the filing fee.

The hearing was attended by the tenant and the landlord's agent ("the landlord"), who were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses; they were made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

### Preliminary Matters

#### *Claims*

The parties agreed the tenancy has ended and the landlord has possession of the rental unit; the landlord stated he is not seeking to recover unpaid rent. As the tenancy is not ongoing, I dismiss without leave to reapply the following claims: an order cancelling a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities, an order for the landlord to provide services or facilities required by the tenancy agreement or law, and an order to suspend or set conditions on the landlord's right to enter the rental unit or site.

I also dismiss the tenant's request for an order for the landlord to comply with the Act, regulation, and/or the tenancy agreement because in the details of the application the tenant refers to provision of services related to an ongoing tenancy.

### *Service of evidence*

The tenant has uploaded video evidence. The landlord testified they did not receive any of the tenant's evidence.

In response to being asked to confirm they gave their evidentiary materials to the landlord, the tenant described an incident on May 1, 2022 when the landlord broke into the rental unit. The tenant testified that it was during this break-in that he tried to give the landlord the supporting material but the landlord left the rental unit without it. The tenant has not complied with rule 3.10.1 for digital evidence, and I find the tenant's interaction with the landlord on May 1, 2022 was an unsuccessful attempt at giving the landlord evidence.

As the landlord has not reviewed the tenant's evidence, the tenant's claim is dismissed.

### Conclusion

All of the tenant's claims are dismissed without leave to reapply, except for the claim for return of personal property.

The tenant is given leave to reapply for the claim of return of personal property.

Leave to reapply is not an extension of any applicable limitation period.

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: September 28, 2022

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Residential Tenancy Branch