



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, PSF, FFT

Introduction

The Tenant seeks the following relief under the *Residential Tenancy Act* (the “Act”):

- an order pursuant to s. 70 allowing them or their guest access to the rental unit;
- an order pursuant to s. 62 of the *Act* that the Landlord provide services or facilities; and
- return of their filing fee pursuant to s. 72.

T.C. appeared as agent for the Landlord and S.A. appeared as the Landlord’s building manager. The Tenant did not attend, nor did someone attend on their behalf.

Pursuant to Rule 7.1 of the Rules of Procedure, the hearing began as scheduled in the Notice of Dispute Resolution. As the Tenant did not attend, the hearing was conducted in their absence as permitted by Rule 7.3 of the Rules of Procedure and concluded at 9:40 AM without participation from the Tenant.

The parties affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

At the outset of the hearing, I enquired whether the Tenant continued to reside at the rental unit. S.A. testified that the Tenant vacated the rental unit on October 31, 2022. I accept the affirmed and undisputed testimony from S.A. that the Tenant vacated on October 31, 2022, which is the date I find the tenancy ended.

As the tenancy is over, the issues raised in the Tenant’s application are no longer relevant. Further, the Tenant did not attend the hearing, despite it being their

application. As the applicant, the Tenant bears the burden of proving their claim, which they failed to do as they did not attend to present evidence. On both bases, I dismiss the Tenant's application without leave to reapply.

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: November 03, 2022

Residential Tenancy Branch