



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDCT, LAT, OLC, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking the following relief:

- an order cancelling a notice to end the tenancy for cause;
- a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement;
- an order permitting the tenant to change the locks to the rental unit;
- an order that the landlords comply with the *Act*, regulation or tenancy agreement; and
- to recover the filing fee from the landlords for the cost of the application.

The tenant and both landlords attended the hearing, during which the parties advised that the tenant has vacated the rental unit. Therefore, the tenant's applications for an order cancelling a notice to end the tenancy for cause; and for an order permitting the tenant to change the locks to the rental unit; and for an order that the landlords comply with the *Act*, regulation or tenancy agreement are all dismissed without leave to reapply.

The tenant also advised that none of the tenant's evidence was provided to the landlords. Any evidence that a party wishes to rely on must be provided to the other party, even if they already have a copy. Since the tenant has not done so, I cannot consider the tenant's evidence.

The landlords advised that the landlords' evidentiary material was provided to the tenant by email. There is nothing in the evidence that to indicate that the tenant has agreed that legal documents may be served in that manner. Therefore, I decline to consider the landlords' evidentiary material.

Since no evidence of either party can be considered, I dismissed the tenant's application for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement with leave to reapply. I have made no findings of fact or law with respect to the merits of the application.

Since the tenant has not been successful with the application, the tenant is not entitled to recovery of the \$100.00 filing fee.

Conclusion

For the reasons set out above, the tenant's application for an order cancelling a notice to end the tenancy for cause is hereby dismissed without leave to reapply.

The tenant's application for an order permitting the tenant to change the locks to the rental unit is hereby dismissed without leave to reapply.

The tenant's application for an order that the landlords comply with the *Act*, regulation or tenancy agreement is hereby dismissed without leave to reapply.

The tenant's application for recovery of the \$100.00 filing fee is hereby dismissed without leave to reapply.

The tenant's application for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement is hereby dismissed with 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: January 03, 2023

Residential Tenancy Branch