



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

A matter regarding NEST PROPERTY MANAGEMENT and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes RPP OLC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held, via teleconference, on March 24, 2023. The Tenant applied for multiple remedies under the *Residential Tenancy Act* (the "Act").

Both parties attended the hearing and provided affirmed testimony. The Landlord confirmed receipt of the Tenant's Notice of Dispute Resolution Proceeding. However, the Tenant stated she did not serve her evidence to the Landlord. As stated in the hearing, since that evidence was not served to the Landlord, it is not admissible and will not be considered. The Landlord did not provide evidence for this proceeding.

During the hearing, the Tenant testified that she has already vacated the rental unit. As such, her request for an Order for the Landlord to comply with the Act is moot, and is dismissed, without leave. Further, the Tenant explained that she applied for the return of her personal property on this application to get her security and pet deposit back. However, this ground is only applicable for situations where the Landlord is withholding personal material items of the Tenant's, such as personal affects, or household belongings. If the Tenant wished to make an application for the return of her deposits, she would have to file a monetary claim for that matter, which has not been done. I dismiss the Tenant's application for the return of her personal property, without leave, as she did not indicate the Landlord has any of her personal property.

The Tenant is at liberty to apply for other remedies under the Act, other than the issues dismissed in this hearing, if she chooses.

Conclusion

The Tenant's application is dismissed 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: March 25, 2023

Residential Tenancy Branch