



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding ROYAL LEPAGE ASPIRE REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **ERP, FFT**

Introduction

This expedited hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the “Act”) for:

- An order for emergency repairs to be done to the rental unit pursuant to section 33; and
- Authorization to recover the filing fee from the other party pursuant to section 72

Both parties attended the hearing. The landlord acknowledged being served with the tenant’s Notice of Dispute Resolution Proceedings package, but stated it wasn’t received until May 16th. The tenant testified that he sent the landlord the Notice of Dispute Resolution Proceedings package via registered mail approximately a week after receiving it from the Residential Tenancy Branch by email but the tenant was unable to provide a tracking number for the mailing. I find the tenant did not serve the landlord with the Notice of Dispute Resolution Proceedings package within one day of the package being made available, contrary to Rule 10.3 of the Residential Tenancy Branch Rules of Procedure.

Preliminary Issue

The tenant acknowledges that on May 17, 2023, he received a copy of an Order of Possession granted to the landlord after a hearing before an arbitrator on May 15th. The file number for the previous hearing is recorded on the cover page of this decision.

The landlord advised that she is awaiting the bailiffs to remove the tenant while the tenant advised that he is in the process of moving out. I advised the parties that, as the tenancy has been terminated by an arbitrator of the Residential Tenancy Branch, the parties are no longer bound by a landlord/tenant relationship. Consequently, the tenant’s application seeking emergency repairs is dismissed without leave to reapply. As the tenant’s application was not successful, the filing fee will not be recovered.

Conclusion

The 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: May 26, 2023

Residential Tenancy Branch