



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes LRE, RPP, FFT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenants applied for:

- an order to restrict or suspend the landlord's right of entry, under section 70;
- an order for the landlord to return the tenant's personal property, pursuant to section 65; and
- an authorization to recover the filing fee for this application, under section 72.

Both parties attended the hearing. Tenant CM represented all the tenants. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The tenant affirmed he did not serve the notice of hearing because he did not know he had to do so. The landlord stated that she received an email from the Residential Tenancy Branch and learned about this application.

The tenant testified the tenancy ended.

The hearing cannot proceed fairly when the respondent has not been notified of the hearing.

Based on the foregoing, I dismiss the tenants' application without leave to reapply. The tenant is at liberty to submit monetary claims regarding the tenancy.

The tenant must bear the cost of the filing fee, as the tenant was not successful.

Conclusion

I dismiss the 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: June 09, 2023

Residential Tenancy Branch