



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR OLC FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held on March 17, 2023. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

The Tenant attended the hearing and provided affirmed testimony. However, the Landlord did not. The Tenant stated that she served the Notice of Dispute Resolution Proceeding to the Landlord by registered mail on November 23, 2022. Pursuant to section 90 of the Act, I find the Landlord received this package 5 days after it was mailed, on November 28, 2022.

The Tenant was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matters

The Tenant stated that she "may have forgotten" to serve the Landlord with her amendment. The onus is on the Tenant to demonstrate that she sufficiently served the Landlord with this amendment. I find the Tenant failed to do this, and as such, I decline to allow the Tenant's amendment, which was for several monetary matters (security deposit, and other compensation). The Tenant is granted leave to reapply for those matters, should she wish.

Also, during the hearing, the Tenant testified that she has now moved out of the rental unit, as of November 15, 2022. As such, I find the Tenants' application to cancel the 10 day Notice is no longer required and I dismiss it without leave to reapply. Further, the Tenants' application for an order for the Landlord to comply with the Act is also moot, since the tenancy is over and this ground is also dismissed without leave to reapply. Further, since the Tenant has moved out, it appears that the Landlord has regained possession of the rental unit and they no longer require an order of possession, pursuant to section 55 of the *Act*. Also, I decline to issue any monetary order pursuant to section 55(1.1) since the Landlord failed to attend the hearing to substantiate whether there is any unpaid rent.

Since I have made no findings on the merits of the application, I decline to award the Tenant with recovery of the filing fee for the cost of this application, pursuant to section 72 of the Act.

Conclusion

I dismiss the Tenant's application, in full, as noted above.

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 20, 2023

Residential Tenancy Branch