



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

CNR, FF

Introduction

This hearing dealt with an application by the tenant to cancel the Ten-Day Notice to End Tenancy for Unpaid Rent issued on July 4, 2013.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

Preliminary Matter

At the outset of the hearing the parties advised that, after making this application on July 9, 2014, the tenant vacated the rental unit at the end of July 2014.

I find that the tenant's application to dispute the landlord's 10 Day Notice to End Tenancy for Unpaid Rent has been rendered moot by the fact that the tenant complied with the Notice by vacating the unit.

The tenant stated that the landlord was provided with the tenant's written forwarding address at the end of July 2014, but the security deposit has not been refunded. At my request, the tenant provided her forwarding address for service in order to receive this decision by mail. The records at Residential Tenancy Branch will be revised.

I find that the issue under dispute no longer exists. Section 59(5)(a) states that an arbitrator may refuse to accept an application for dispute resolution if the evidence does not disclose any dispute to be determined.

Accordingly, I find that the application before me was filed to dispute the landlord's 10-Day Notice to End Tenancy for Unpaid Rent which is no longer under dispute. Therefore, because there is no dispute to be determined, the hearing cannot proceed.

Conclusion

The tenant's application for dispute resolution is not being heard as the issue under dispute has been rendered moot by the fact that the tenant has already vacated the rental unit.

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: September 18, 2014

Residential Tenancy Branch

