



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OLC

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant and the landlord.

Prior to the tenant calling into the hearing the landlord identified that the tenant had vacated the rental unit.

At the outset of the hearing the tenant joined the call and immediately began talking. I initially tried to clarify that he was the tenant and to begin the hearing by introducing myself and that the landlord was on the call. The tenant immediately began interrupting me.

The tenant kept asking me where I was at the time of the hearing and would not move off of that issue until I told him where I was. Then he proceeded to speak continually over my attempts to get his attention so that we could begin the hearing. The tenant refused to allow me to speak. As a result, I cut the tenant off from the call.

At this point, I advised the landlord that I would remain on the call to see if the tenant called back in but that she would not have to stay on the call if she did not want to. The landlord hung up and shortly after the tenant called in again.

The tenant continued his non-stop talking and would not allow me to speak until I became very firm with him and told him that he must be quiet in order for me to explain how things would go.

I asked the tenant several times if he was living in the rental unit at the time of the hearing. He stated several times that he had been living in the rental unit at the time he filed his Application for Dispute Resolution until finally he did confirm that he was no longer living in the rental unit.

I advised the tenant that because his Application for Dispute Resolution was seeking to cancel a notice to end tenancy and he no longer lived in the rental unit his Application was moot and I could not provide him with a decision regarding the Notice to End Tenancy.

I also advised the tenant that if he felt that he had suffered a loss as a result of the tenancy or the way it was ended he could file a separate Application for Dispute Resolution seeking compensation for any such losses.

The tenant then hung up from the hearing, without any indication that he was planning to do so and did not call back in.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 1 Month Notice to End Tenancy for Cause, pursuant to Section 47 of the *Residential Tenancy Act (Act)*.

Conclusion

As the tenancy had ended due to a previous decision, I dismiss the tenant's Application for Dispute Resolution in its entirety 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: October 29, 2015

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Residential Tenancy Branch

