Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR OLC LRE FF

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution ("application") under the *Residential Tenancy Act* (*"Act"*) to cancel a notice to end tenancy for unpaid rent or utilities, for an order directing the landlord to comply with the *Act,* regulation or tenancy agreement, to suspend or set limits on the landlord's right to enter the rental unit, and to recover the cost of the filing fee.

The tenant attended the hearing. The landlord did not attend the hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application and documentary evidence were considered. The tenant testified that she did not serve the landlord. In addition, the tenant also confirmed that she vacated the rental unit as of November 28, 2017 since filing her application.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing and the reason for the hearing without having received the Notice of Hearing and Application. Therefore, **I dismiss** the tenant's application **without leave to reapply** as I note that tenancy ended on November 28, 2017 when the tenant vacated the rental unit which I find makes this application now moot.

Conclusion

The tenant's application is dismissed without leave to reapply due to a service issue and taking into account that this application is now moot as the tenancy has ended.

This decision does not extend any applicable time limits under the *Act.*

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: December 21, 2017

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Residential Tenancy Branch