



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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DECISION

Dispute Codes CNR LRE FF

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. The participatory hearing was held on February 19, 2018. The Tenants applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

One of the tenants, J.A., attended the hearing. However, the Landlord did not. The Tenant stated that she served the Notice of Hearing and her application package to the Landlord by registered mail on December 4, 2017. Pursuant to section 90 of the Act, I find the Landlord received this package 5 days after it was mailed, on December 9, 2017.

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

During the hearing, the Tenant testified that they have now moved out of the rental unit. 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 to suspend or set conditions on the Landlord's right to enter the rental unit 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*.

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

Conclusion

I dismiss the Tenants' application, in full, 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: February 20, 2018

Residential Tenancy Branch