



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT, OLC

Introduction

This decision pertains to the tenant's application for dispute resolution made on June 1, 2018, under the *Residential Tenancy Act* (the "Act"). The tenant seeks an order to cancel a One Month Notice to End Tenancy for Cause (the "Notice"), an order that the landlord comply with the Act, regulation or tenancy agreement, and a request for an extension of time in which to file an application for dispute resolution.

The tenant attended the hearing and was given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses. The landlord did not attend.

The tenant did not provide any testimony with regard to service, and before I had the opportunity to question him on how he served the landlord, he exited the hearing.

While I have reviewed all oral and documentary evidence submitted, only relevant evidence pertaining to the preliminary issue of this application is considered in my decision.

Preliminary Issue – Tenant No Longer Living in the Rental Unit

At the start of the hearing, while confirming the details of the application with the tenant, the tenant testified and confirmed that he "moved out [of the rental unit] 3 months ago."

The tenant has lived in the rental unit since September 2016. The landlord received an order from the municipality stating that he needed a permit for the rental unit. On May 25, 2018, the landlord issued the Notice because the "Rental unit/site must be vacated to comply with a government order." The Notice was served on the tenant, in-person, on April 26, 2018, with an effective date of June 1, 2018.

Given that the tenant has vacated the rental unit and that any issues in respect of cancelling the Notice, or orders for the landlord to comply, or an extension of time to apply would thus be rendered moot, I sought clarification on what the tenant was seeking at the hearing.

The tenant testified that the landlord had "tricked him" into moving out, and that the

landlord should have given him three months, not one month, to move out, and that he should be compensated. Further, the tenant testified that the landlord has not returned his security deposit, and would like it returned.

I explained to the tenant that his application, and the purpose of this hearing, was to arbitrate a dispute over the landlord's Notice, not to address the issues of compensation and the return of his security deposit.

(When I asked the tenant if he had given the landlord his forwarding address in writing, he said "no." After I explained to the tenant that he needs to provide the landlord with his forwarding address in writing, the tenant hung up.)

As the tenant applied to dispute the Notice, but has already moved out, I find that there is no longer a notice in dispute. I find that the tenant had accepted the Notice by vacating the rental unit. I further find that the tenant's claims for an extension of time in which to file a dispute, and for an order requiring the landlord to comply with the Act, regulation, or tenancy agreement are now both rendered moot.

Conclusion

I dismiss the tenant's application with 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 Act.

Dated: July 27, 2018

Residential Tenancy Branch