



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE, FFT

Introduction and Preliminary Matters

This hearing dealt with an Application for Dispute Resolution (“application”) by the tenants under the *Residential Tenancy Act* (“Act”) to cancel a 1 Month Notice to End Tenancy for Cause (“1 Month Notice”), for an order to set limits on the landlord’s right to enter the rental unit, site or property, and to recover the cost of the filing fee.

Tenant IH (“tenant”), landlord ES (“landlord”) and a support person for the landlord attended the teleconference hearing. At the start of the hearing, the tenant testified that they decided to vacate the rental unit on August 31, 2018 since filing their application on July 13, 2018. As a result, I find the tenants’ application is moot as the tenancy ended by the tenants’ own actions when the tenants vacated the rental unit. In addition, the landlord confirmed that the tenants vacated the rental unit on August 31, 2018.

Given the above, I **dismiss** the tenants’ application without leave to reapply in relation to all parts of the application.

In addition to the above, the parties confirmed their email addresses at the outset of the hearing. The parties confirmed their understanding that the decision would be emailed to both parties.

As both parties mentioned making a monetary claim, both parties have the liberty to apply for a monetary claim as there was no monetary claim before me.

I do not grant the filing fee as the tenants vacated the rental unit before the hearing.

Analysis and Conclusion

The tenants' application to cancel the 1 Month Notice and for an order to set limits on the landlord's right to enter the rental unit are now moot as the tenancy has ended by the action of the tenants vacating the rental unit.

I do not grant the tenants the recovery of the cost of the filing fee under the *Act*.

Both parties have liberty to apply for a monetary claim which was discussed during the hearing.

This decision is final and binding on the parties, except as 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: September 11, 2018

Residential Tenancy Branch