



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FFT OLC

Introduction

This hearing dealt with the tenant's application pursuant to the Residential Tenancy Act (the "Act") for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "One Month Notice") pursuant to section 47;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and,
- authorization to recover her filing fee for this application from the landlord pursuant to section 72.

The tenant attended the hearing on her own behalf and AB attended the hearing on behalf of the landlord. Both parties were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The tenant testified that she served the notice of dispute resolution package by Canada Post registered mail on December 27, 2018. The tenant provided the Canada Post registered mail tracking number. The landlord testified that they received the notice of dispute resolution package. I find that the landlord was served with the notice of dispute resolution package in accordance with section 89 of the *Act*.

Preliminary Matter: Tenant Vacated the Property

The parties agreed that the tenant has vacated the rental unit prior to the hearing. The relief sought by the tenancy related only to an ongoing tenancy. Specifically, the tenant had requested an order to cancel the One Month Notice so the tenancy could continue and the tenant sought an order for the landlord to stop a neighbouring tenant from disturbing the tenant. Both of these claims are moot now that the tenancy has ended.

Section 62(4)(b) of the *Act* the dismiss all or part of an application for dispute resolution which does not disclose a dispute that may be determined under the *Act*. I exercise my authority under section 62(4)(b) of the *Act* to dismiss this application for dispute resolution.

Accordingly, I dismiss the tenant's application in its entirety. The tenant must bear the cost of her own filing fee.

Conclusion

I dismiss the tenant's application for cancellation of the landlord's One Month Notice.

I dismiss the tenant's application for an order requiring the landlord to comply with the Act, regulation or tenancy agreement.

I dismiss the tenant's application for reimbursement of the filing fee.

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 08, 2019

Residential Tenancy Branch