



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP and
[tenant name suppressed to protect privacy]

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 his filing fee for this application from the tenant pursuant to section 72.

The tenant attended the hearing with an interpreter, RA. CF 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 he served the notice of dispute resolution package by delivering it to an employee at the landlord's office on January 24, 2019. I find that the landlord was served with the notice of dispute resolution package in accordance with section 89(1)(b) of the *Act* by delivering the notice of dispute resolution package to an agent of the landlord.

The landlord testified that they served the tenant with their evidence package by personally delivering the evidence package to the tenant on January 28, 2019. The landlord provided a proof of service of their evidence package wherein the tenant acknowledged receipt of the landlord's evidence package.

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 that the tenancy could continue and the tenant sought an order for the landlord to provide pest control services. Both of these claims are moot now that the tenancy has ended. I exercise my authority under section 62(4)(b) of the *Act* to dismiss this application for dispute resolution as moot.

Accordingly, I dismiss the tenant's application for cancellation of the landlord's One Month Notice and I dismiss the tenant's application for an order requiring the landlord to comply with the Act, regulation or tenancy agreement.

Since the tenant has not prevailed in this matter, I also dismiss the tenant's application for reimbursement of the 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