



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC 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 "**Notice**") pursuant to section 47; and
- an order requiring the landlord to comply with section 28, and provide her with quiet enjoyment of the rental unit, pursuant to section 62.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing, the landlord testified that the tenant had already vacated the rental unit. She testified that she applied by direct request for, and had obtained, an order of possession based on a 10 Day Notice for Non-Payment of Rent on March 22, 2019. The landlord provided me with the file number of the direct request application.

The tenant confirmed this, and testified that she had applied for a review of the decision, but had not yet received the result. I accessed the direct request application file, and reviewed the review consideration decision. I advised the parties that the direct request decision was upheld on review. I advised the parties that I would arrange for the review consideration decision to be sent to each of them.

As the tenant has vacated the rental unit and the tenancy has, there is no basis on which to proceed with this application. The tenant is no longer entitled to quiet enjoyment of the rental unit, as she is no longer resides at the rental unit. Similarly, there is little purpose in considering the validity of the Notice. Even if the tenant is successful in contesting the Notice, the situation will not change: the landlord will have

a valid order of possession, the tenant will have vacated the rental unit, and the tenant will not be entitled to return.

As such, I dismiss the tenant's application 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: April 16, 2019

Residential Tenancy Branch