



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants seeking more time than prescribed to dispute a notice to end the tenancy, an order cancelling a notice to end the tenancy for unpaid rent or utilities, and to recover the filing fee from the landlord for the cost of the application.

One of the tenants and the landlord attended the hearing, during which the landlord advised that the landlord was successful in obtaining a Writ of Possession and the tenants have vacated the rental unit.

At the commencement of the hearing, the tenant questioned whether or not this hearing is a cross-application, and raised a technical issue respecting the landlord's application which resulted in an Order of Possession and a monetary order in favour of the landlord and the tenants' application to dispute the notice to end the tenancy. The tenant requested that I set out the facts of the applications and the record, and I agreed:

- the tenants filed this Application for Dispute Resolution on March 20, 2019;
- the tenants' application was processed on March 22, 2019 and a notice of this hearing was generated for the tenants to serve on the landlord;
- the landlord filed an Application for Dispute Resolution by way of the Direct Request Process on March 18, 2019 (a process based on written submissions only, without a hearing) which was processed by the Residential Tenancy Branch the same day;
- the landlord was successful in obtaining an Order of Possession and a monetary order by an Adjudicator of the Residential Tenancy Branch on March 22, 2019, which the landlord has enforced;
- the applications of the landlord and of the tenant were not scheduled to be heard together.

The tenants have vacated the rental unit, and given that a Decision has been rendered, I have no authority to decide on an issue that has already been adjudicated upon. Therefore, the tenants' application is dismissed in its entirety.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed in its entirety.

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: May 07, 2019

Residential Tenancy Branch