



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FFT

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy dated May 1, 2019.
- b. An order to recover the cost of the filing fee.

The Landlords failed to appear at the scheduled start of the hearing which was 9:30 a.m. on July 26, 2019. One of the Tenant applicants was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the landlord to call in. The landlord failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The tenant was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was personally served on the Tenant on June 4, 2019. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlords reside on June 15, 2019. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the Notice to End Tenancy dated May 1, 2019?
- b. Whether the tenants are entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on September 1, 2018. The tenancy agreement provided that the tenant(s) would pay rent of \$2500 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$1250 at the start of the tenancy. The tenant testified the landlord returned the security deposit in April 2019.

The tenants vacated the rental unit on July 13, 2019.

Analysis:

The tenants have vacated the rental unit. I determined the hearing of this matter on the merits was moot. As a result I dismissed the tenants' application without leave to re-apply.

The tenant stated she believes that she has monetary claims against the landlord. The tenant must file an Application for Dispute Resolution identifying those claims and serve it on the landlords in order for those claims to be adjudicated.

Order for Possession:

I declined to issue an Order of Possession as the Tenants have vacated the landlords have regained possession.

This decision is final and binding on the parties.

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: July 26, 2019

Residential Tenancy Branch