



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR FFT

Introduction

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

- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice), pursuant to section 46 of the *Act*, and
- recovery of the filing fee from the landlord pursuant to section 72 of the *Act*.

Only the tenant attended the hearing. The landlord did not attend this hearing, although I left the teleconference hearing connection open until 9:42 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 9:30 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the tenant and I were the only ones who had called into this teleconference.

As only the tenant attended the hearing, I asked the tenant to confirm that he had served the landlord with the Notice of Dispute Resolution Proceeding for this hearing. The tenant confirmed that he had served the landlord with notice of this hearing by Canada Post registered mail on July 15, 2019, and referred to documentary evidence submitted which included a Canada Post registered mail tracking number as proof of service, which I have noted on the cover sheet of this decision. As such, I find that the landlord was served in accordance with section 89 of the *Act*.

Issue(s) to be Decided

Should the landlord's 10 Day Notice to End Tenancy be cancelled? If not, is the landlord entitled to an Order of Possession? Is the tenant entitled to recover the cost of the filing fee?

Background and Evidence

At the outset of the hearing, the tenant confirmed that he had moved out of the rental unit on August 1, 2019 and therefore was no longer disputing the 10 Day Notice to End Tenancy as he no longer wished to continue the tenancy.

Analysis

The landlord failed to attend the hearing to dispute the tenant's claims that the tenancy had ended. Therefore, I accept the tenant's testimony that the tenancy ended on August 1, 2019.

As such, the issues raised in the application are now moot, meaning they are no longer applicable, as the tenancy has ended.

I therefore dismiss the tenant's application without leave to reapply. As well, the landlord's 10 Day Notice to End Tenancy is cancelled and of no force or effect.

Conclusion

The tenant's application is dismissed 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: September 12, 2019

Residential Tenancy Branch