



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT, PSF, RP, FFT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on August 6, 2019 (the "Application"), seeking relief pursuant to the *Residential Tenancy Act* (the "Act") for the following:

- to cancel a One Month Notice to End Tenancy dated July 31, 2019 ("the One Month Notice");
- more time to cancel the One Month Notice;
- an order that the Landlord provide a service or facility;
- an order for regular repairs; and
- the return of the filing fee.

The hearing was scheduled for 9:30 A.M. on October 8, 2019 as a teleconference hearing. The Tenant appeared and provided affirmed testimony. No one appeared for the Landlord. The conference call line remained open and was monitored for 28 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Tenant and I were the only persons who had called into this teleconference.

The Tenant testified the Application and documentary evidence package was served to the Landlord by registered mail to the Landlord's address for service which was included on the One Month Notice to End Tenancy. Copies of the Canada Post registered mail receipts were submitted confirming the mailings took place on August 16, 2019. Based on the oral and written submissions of the Applicants, and in accordance with sections 89 and 90 of the *Act*, I find that the Landlord is deemed to

have been served with the Application and documentary evidence on August 21, 2019, the fifth day after their registered mailing. The Landlord did not submit documentary evidence in response to the Application.

The Tenant was given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules of Procedure). However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

At the start of the hearing, the Tenant stated that the tenancy ended on August 25, 2019 after the Tenants vacated the rental unit. As such, I find that the Tenants' Application to cancel a One Month Notice, more time to cancel the One Month Notice, an order for an that the Landlord provide a service or facility and an order for regular repairs are now moot. As such, I dismiss the Tenants' Application in it's entirety without leave to reapply. As the Tenants were unsuccessful with their Application, I find that they are not entitled to the return 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: October 08, 2019

Residential Tenancy Branch