



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP FFT

Introduction

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

- an order for the landlord to make emergency repairs to the rental unit pursuant to sections 33 and 62 of the *Act* and
- recovery of the filing fee from the landlord pursuant to section 72 of the *Act*.

Both parties attended the hearing. At the outset of the hearing, the tenants confirmed that they no longer resided in the rental unit and ended the tenancy on October 15, 2019.

I explained to the parties that as this tenancy has already ended as a result of the tenants moving out of the rental unit, the tenants can no longer pursue a claim for emergency repairs to be made to a rental unit to which they no longer have possession.

As such, the tenants' Application for Dispute Resolution is dismissed in its entirety without leave to reapply. As the tenants' Application is dismissed, the tenants are not entitled to recover the filing fee for the cost of the Application from the landlord.

Issue(s) to be Decided

Should the landlord be ordered to make emergency repairs to the rental unit?
Are the tenants entitled to recover the cost of the filing fee from the landlord?

Conclusion

The tenancy ended on October 15, 2019, therefore the tenants' Application for emergency repairs to be done to the rental unit is dismissed without leave to reapply. at the time are now moot, and therefore dismissed without leave to reapply.

As the tenant's Application was dismissed in its entirety, the tenants are not entitled to recover the cost of the filing fee from the landlord.

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 25, 2019

Residential Tenancy Branch