



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DEVISON SIGNS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

For the tenants: CNC OLC LRE
For the landlord: OPC FFL

Introduction

This hearing was convened as a result of an Application for Dispute Resolution (application) by the landlord and tenant seeking remedy under the *Residential Tenancy Act* (the Act). The tenant applied to cancel a 1 Month Notice to End Tenancy for Cause, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and for an order to suspend or set limits on the landlord's right to enter the rental unit, site or property. The landlord applied for an order of possession for cause, and to recover the cost of the filing fee.

The tenant attended the teleconference hearing. The landlord did not attend the hearing although the landlord was provided the date, time and access codes on their Notice of Dispute Resolution Proceeding document dated November 14, 2019 (Notice of Hearing). As the landlord did not attend the hearing, and pursuant to Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rules 7.1 and 7.3, the landlord's application was **dismissed without leave to reapply** after the 10-minute waiting period had elapsed. The hearing continued with the tenant's application as a result.

The tenant was affirmed and the hearing process was explained. The tenant was provided the opportunity to ask questions during the hearing. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

The tenant testified under oath that they vacated the rental unit on November 15, 2019 as they feared for their safety. The tenant was advised that the application is not moot as a result as the tenancy ended when the tenant vacated the rental unit. As a result of finding this application to be moot, this application was dismissed in full, without leave to reapply.

The tenant confirmed their email address and the tenant was advised that the decision would be emailed to the tenant and to the landlord's email address listed on the landlord's application.

Analysis

As the landlord did not attend the hearing to present the merits of their application, the landlord's application is dismissed without leave to reapply pursuant to RTB Rules 7.1 and 7.3.

The tenant's application is dismissed as the tenancy ended when the tenant vacated the rental unit on November 15, 2019.

The tenant's filing fee was already waived.

I do not grant the landlord the filing fee as the landlord did not attend the hearing.

Conclusion

The landlord application is dismissed without leave to reapply.

The tenant's application is now moot and is also dismissed.

This decision will be emailed to both parties.

The landlord is not granted the filing fee.

The tenant's filing fee was waived.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: December 13, 2019

Residential Tenancy Branch