



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CENTURY 21 ENERGY REALTY and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes **CNC FFT MNDCT OLC PSF RR**

Introduction

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

- An order to cancel a One Month Notice To End Tenancy for Cause pursuant to section 47;
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72;
- A monetary order for damages or compensation pursuant to section 67;
- An order for the landlord to comply with the *Act*, Regulations and/or tenancy agreement pursuant to section 62;
- An order to provide services or facilities required by a tenancy agreement or law pursuant to section 62; and
- An order for a reduction of rent pursuant to sections 32 and 62.

The tenant did not attend the hearing which commenced at 9:30 a.m. and concluded at 9:33 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference. The landlord attended the hearing and was represented by property manager, EV ("landlord"). The landlord acknowledged being served with the tenants' Application for Dispute Resolution and stated she had no issues with timely service of documents.

Preliminary Issue

The landlord testified that there had been a previous arbitration whereby the landlord was granted an Order of Possession effective at 1:00 p.m. on November 30, 2019. The case number for the previous decision is noted on the cover page of this decision. In accordance with the Order of Possession, the tenants have vacated the rental unit.

Analysis

As the tenants have vacated the rental unit and are no longer in possession of it, pursuant to section 62(4) of the *Act*, the following items sought by the tenants in their application are dismissed as the application no longer discloses a dispute that may be determined under Part 5 of the *Act*.

- An order to cancel a One Month Notice To End Tenancy for Cause pursuant to section 47;
- An order for the landlord to comply with the *Act*, Regulations and/or tenancy agreement pursuant to section 62;
- An order to provide services or facilities required by a tenancy agreement or law pursuant to section 62; and
- An order for a reduction of rent pursuant to sections 32 and 62.

Rule 7.1 of the Rules of Procedure state the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. Rule 7.3 provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application with or without leave to re-apply. The tenants did not attend the teleconference hearing at the scheduled commencement time of 9:30 a.m. and I dismiss the following items without leave to reapply.

- Authorization to recover the filing fee for this application from the landlord pursuant to section 72;
- A monetary order for damages or compensation pursuant to section 67.

Conclusion

The tenants' application for compensation pursuant to section 67 and authorization to recover the filing fee pursuant to section 72 are dismissed without leave to reapply. The remainder of the tenants' application is dismissed pursuant to section 62(4).

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: December 19, 2019

Residential Tenancy Branch