



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **DRI**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for an order to dispute a rent increase pursuant to section 41.

Both the landlord and the tenant attended the hearing. As both parties were in attendance, service of documents was confirmed. The landlord confirmed receipt of the tenant's application for dispute resolution and the parties acknowledged the exchange of evidence and stated there were no concerns with timely service of documents. Both parties were prepared to deal with the matters of the application.

Preliminary Matter

At the commencement of the hearing, the parties advised me that the tenant had vacated the rental unit on December 1, 2019. The landlord had served the tenant with a Two Month Notice to End Tenancy for Landlord's Use and the tenant ended the tenancy with a 10 Day Notice to end tenancy immediately thereafter.

Section 63(4) of the Act states:

The director may dismiss all or part of an application for dispute resolution if

- (a) there are no reasonable grounds for the application or part,
- (b) the application or part does not disclose a dispute that may be determined under this Part, or
- (c) the application or part is frivolous or an abuse of the dispute resolution process.

Based on the fact that the tenancy has ended, I determined there is no dispute that may be determined under Part 5 of the Act and I dismissed the tenant's claim in accordance with section 62(4)(b).

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: December 10, 2019

Residential Tenancy Branch