



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes      CNC, MT, FFT

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

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "**Notice**") pursuant to section 47;
- more time to make an application to cancel the Notice pursuant to section 66; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 11:00 am in order to enable the tenants to call into this teleconference hearing scheduled for 11:00 am. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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.

At the outset of the hearing, the landlord stated that the tenants were removed from rental unit on February 5, 2020 by court bailiffs and an RCMP officer, pursuant to an order of possession issued by an arbitrator of the Residential Tenancy Branch on January 9, 2019 (effective January 31, 2019). He stated submitted a copy of the January 9, 2019 decision into evidence. In that decision, the arbitrator issued the order of possession pursuant to a one month notice to end tenancy dated November 1, 2019.

On their application for dispute resolution for this hearing, the tenants wrote that they received the Notice they are disputing on November 1, 2019.

As such, I find that the matter of the validity of the Notice was adjudicated in the January 9, 2020 decision. The Act does not permit me to overturn a prior decision of an Arbitrator.

Accordingly, the matters at issue in this hearing are moot. I cannot grant the relief the tenants seek, and the tenants no longer reside at the rental unit.

I dismiss the tenants' application 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: March 09, 2020

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Residential Tenancy Branch