



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **CNR, OLC, FFT**

### Introduction

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

An order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities pursuant to sections 46 and 55;

An order for the landlord to comply with the Act, Regulations and/or tenancy agreement pursuant to section 62;

Authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both of the tenants attended the hearing, accompanied by a legal advocate, HS. The landlord also attended the hearing.

At the commencement of the hearing, the tenants' legal advocate advised me that the tenants had vacated the rental unit. This was confirmed by the landlord who advised they left in the middle of this month.

### Preliminary Issue

Section 62(4) of the Act states

- (4) 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.

The order of possession is no longer sought or required. Pursuant to section 62(4), I dismiss the tenant's application as it does not disclose a dispute that may be determined under Part 5 of the *Act*.

The filing fee will not be recovered by the tenant.

Conclusion

The 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: April 28, 2020

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Residential Tenancy Branch