



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing was scheduled to deal with a landlord's application for an order to end the tenancy early and obtain an Order of Possession due to an immediate and severe risk to the property, other occupants or the landlord.

Both parties appeared at the hearing. I confirmed the parties were in receipt of the other parties' hearing materials.

At the outset of the hearing, I explored the purpose of this proceeding as the landlords' written submission that accompanied the Application for Dispute Resolution reflected the landlords were seeking a hearing date in September 2020 to deal with a 1 Month Notice to End Tenancy for Cause ("1 Month Notice") that had been mailed to the tenants on August 26, 2020.

The tenants had filed to dispute the 1 Month Notice on September 4, 2020 and on September 11, 2020 a hearing was scheduled for October 23, 2020 (file number referenced on the cover page of this decision). The landlords then filed this Application for Dispute Resolution on September 11, 2020, referencing the 1 Month Notice, and requested the hearing to adjudicate the 1 Month Notice be held in September 2020.

As of the date of this hearing, a decision has been rendered with respect to the tenant's Application for Dispute Resolution to cancel the 1 Month Notice. The Arbitrator presiding over the October 23, 2020 hearing issued a decision on October 27, 2020 and granted the tenant's request to cancel the 1 Month Notice with the effect the tenancy continues. The landlords acknowledged they received the decision on October 28, 2020 but took the position the Arbitrator's decision was based on errors created by the tenants.

As decisions issued by an Arbitrator are final and binding, subject only to available review provisions, I explained to the parties that I cannot re-hear the matter that was before a different Arbitrator on October 23, 2020 or change the Arbitrator's decision by way of this proceeding. I informed the landlords they have remedies available to them if they are of the view the Arbitrator's decision was made in error or fraud, including: *Judicial Review*, a Request for Correction, or an Application for Review Consideration. I informed the landlords that time limits apply and I strongly encouraged the landlords to contact an Information Officer with the Residential Tenancy Branch to obtain further information very soon.

Since the landlords were attempting to obtain an earlier hearing date to deal with the 1 Month Notice that has already been the subject of a dispute resolution proceeding, and a decision has been rendered under that proceeding, I find this Application for Dispute Resolution is moot and I declined to hear further from the parties.

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: October 30, 2020

Residential Tenancy Branch