



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on November 21, 2020 (the "Application"). The Tenant applied to dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued in November (the "Notice"). The Tenant also sought to recover the filing fee.

The Tenant and Landlord appeared at the hearing.

The Tenant advised that he had vacated the rental unit February 03, 2021. The Landlord agreed with this.

The Landlord had been issued an Order of Possession on another file in relation to a 10 Day Notice issued in December. The Tenant had sought review of the decision and the review was dismissed.

The Landlord was not seeking an Order of Possession based on the Notice in the circumstances.

The Tenant wanted to proceed with the dispute of the Notice. The Tenant submitted that the Landlord obtained the Order of Possession on the other file fraudulently and that there should be penalties or compensation for this.

I told the Tenant I would not hear the parties on the dispute of the Notice because an Order of Possession had been issued on another file and the Tenant had vacated the rental unit. I explained that the issue raised in the Application of whether the tenancy should continue or end is a moot point because the tenancy has ended and any decision on the Application would not change this. I explained to the Tenant that I

cannot reconsider decisions of other Arbitrators and that penalties and/or compensation are not issues that would be addressed on the Application.

After the above explanation, the Tenant said he understood why I would not hear the dispute of the Notice. The Landlord confirmed she was fine with me not hearing the dispute of the Notice.

Given there has been an Order of Possession issued on another RTB file and the Tenant has vacated the rental unit, I did not hear the dispute of the Notice as the tenancy has ended and the dispute of the Notice is a moot point. Given the dispute of the Notice is a moot point, the Tenant is not entitled to recover the filing fee.

The Application is dismissed without leave to re-apply.

Conclusion

The Application is dismissed without leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: February 16, 2021

Residential Tenancy Branch