



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR MNDCT OLC RR

Introduction

This hearing was conducted in relation to the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice), for a monetary claim of \$2,645.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and for a rent reduction.

The tenant, the landlord, and an agent for the landlord, DM (agent) attended the teleconference hearing. At the start of the hearing I introduced myself and the participants. The parties were provided with the opportunity to submit documentary evidence prior to this hearing. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

Rule 2.3 of the Residential Tenancy Branch (RTA) Rules of Procedure (Rules) authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the tenant indicated more than one matter of dispute on their application, the most urgent of which is the tenant's request to set aside a 10 Day Notice and is the reason why the tenant was granted an expedited hearing. I find that not all the claims on the application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request to cancel the 10 Day Notice at this proceeding. The balance of the tenant's application which includes a monetary claim is dismissed, **with leave to re-apply**.

In addition, the tenant referred to a previous decision dated February 23, 2021 (previous decision), which confirms the tenant vacated the rental unit on January 31, 2021. The

file number of the previous decision has been included on the style of cause for ease of reference.

Furthermore, the parties confirmed their email addresses at the outset of the hearing and were advised that the decision would be sent to both parties by email.

Issue to be Decided

- Is this application now moot?

Background and Evidence

There is no dispute that the previous decision refers to the tenant confirming they vacated the rental unit on January 31, 2021, which the tenant also confirmed during the hearing. During the hearing the agent and landlord also confirmed that the tenancy ended on January 31, 2021.

Analysis

Based on the documentary evidence and the oral testimony provided during the hearing, and on the balance of probabilities, I find the following.

As the tenancy ended on January 31, 2021, when the tenant vacated the rental unit based on the previous decision dated February 23, 2021, I find this matter is now moot as the tenancy has already ended and that I do not need to consider the merits of the 10 Day Notice as a result. Given the above, I dismiss the tenant's application without leave to reapply. This decision does not impact the portion of the tenant's application that was dismissed with leave to reapply noted above.

I also note the filing fee was waived.

Conclusion

The tenant's application is now moot and is dismissed without leave to reapply.

The severed portion noted above, the tenant is at liberty to reapply for under the Act.

As the filing fee was waived, it is not granted.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 4, 2021

Residential Tenancy Branch