



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC-MT, FFT**

Introduction

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

- An order to cancel a One Month Notice To End Tenancy for Cause pursuant to sections 47 and 55;
- A request for more time to cancel a Notice to End Tenancy pursuant to section 66; and
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both the landlord and the tenant attended the hearing. The landlord confirmed receipt of the tenant's Application for Dispute Resolution and stated she had no concerns with timely service of documents.

Preliminary Issue

In her evidence, the landlord provided a copy of an order of possession granted by an adjudicator of the Residential Tenancy Branch on January 6, 2021. The landlord testified that a bailiff removed the tenant's belongings subsequent to a Writ of Possession being issued by the Supreme Court of British Columbia. She does not recall which bailiff she hired to remove the tenant's belongings.

The landlord testified that the rental unit has been re-rented as of March 1, 2021.

Analysis

I find the tenancy ended when the director ordered it be ended pursuant to section 44(1)(f).

Section 62(4) allows the director to dismiss an application if there are no reasonable grounds for the application or if the application does not disclose a dispute that may be determined under Part 5 of the *Residential Tenancy Act*. As this tenancy has already ended in accordance with section 44(1)(f), I find the tenant's application no longer discloses a dispute that may be determined under Part 5 of the Act. I dismiss the tenant's application pursuant to section 62(4).

The filing fee will not be recovered as the tenant's application was not successful.

Conclusion

The tenant's application is dismissed pursuant to section 62(4) of the *Residential Tenancy Act*.

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 15, 2021

Residential Tenancy Branch