



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes OLC, MNDCT, RR, CNR, RP, LAT

Introduction

This review hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on November 24, 2020 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to cancel a 10 Day Notice for unpaid rent or utilities (the "10 Day Notice") dated December 2, 2020;
- an order the Landlord comply with the Act;
- a monetary order for damage or compensation;
- a rent reduction;
- an order for regular repairs; and
- an order authorizing the Tenant to change the lock to the rental unit.

Preliminary Matters

The parties had a dispute resolution hearing scheduled on February 22, 2021. In the decision dated February 22, 2021 the Arbitrator awarded an order of possession to the Landlord. The Tenant applied for a review consideration based on new and relevant evidence and was granted a new hearing.

The Tenants, the Landlord, and the Landlord's Representative A.H. attended the Review Hearing at the appointed date and time. At the start of the hearing, the Tenants stated that they served the Landlord with the Notice of Review Hearing, as well as the new and relevant evidence in form of a bank transaction record indicating that the rent was paid in full. The Landlord's Representative stated that the Landlord received the Notice of Review Hearing, however, they did not receive the new and relevant evidence that the Tenant intends to rely on during the Review Hearing.

An interim review hearing decision dated April 30, 2021 adjourned the review hearing, to allow the Tenants to re-serve the Landlord with the new and relevant evidence they intended to relay on. The Review Hearing was re-convened on August 30, 2021. The Tenants and the Landlord's Agents A.H. and E.V. attended the adjourned review hearing at the appointed date and time.

At the start of the adjourned Review Hearing, the parties testified and confirmed that the tenancy ended on August 4, 2021. As such, I find that the central point of the review hearing was to confirm or cancel the order of possession which was granted on February 22, 2021.

As the tenancy has ended, I find that the Tenants' Application to cancel the 10 Day Notice to End tenancy is now a moot point. As such, I decline to re-consider the Tenant's Application and therefore confirm the previous decision and order dated February 22, 2021.

Conclusion

The tenancy has ended between the parties. As such, the Tenants' Application to cancel a 10 Day Notice is now moot and therefore dismissed without leave to reapply. The original decision and order dated February 22, 2021 is therefore confirmed.

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: August 30, 2021

Residential Tenancy Branch