



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M-MT, OLC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on April 20, 2021 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to cancel a Four Month Notice to End Tenancy for Renovations (the "Four Month Notice") dated February 24, 2021;
- an order granting more time to submit an Application to cancel a Notice to End Tenancy; and
- an order that the Landlord comply with the *Act*.

The Tenant, the Landlord, and the Landlord's Agent J.O. attended the hearing at the appointed date and time. At the start of the hearing, the parties testified and agreed that the tenancy ended on April 30, 2021 and that the Landlord has vacant possession of the rental unit. As such, I find that the Tenant's Application is now moot, and therefore dismissed without leave to reapply.

I note that Section 55 of the *Act* requires that when a Tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by the Landlord I must consider if the Landlord is entitled to an order of possession if the Application is dismissed and the Landlord has issued a notice to end tenancy that is compliant with the *Act*.

I accept that the tenancy has ended, and that the Landlord has gained vacant possession of the rental unit. As such, I find that the Landlord does not require an Order of Possession.

The Tenant stated that she amended her Application to include a monetary claim. No such amendment was received by the Residential Tenancy Branch. Furthermore, the Landlord confirmed that they did not receive an Amendment Notice from the Tenant. As such, the Tenant's monetary claim was not considered during the hearing.

The parties were notified that if they feel entitled to any monetary compensation, they are at liberty to reapply for a new dispute resolution hearing.

Conclusion

The parties attended the hearing and confirmed that the tenancy has ended, and the Landlord has gained vacant possession of the rental unit. As such, the Tenant's Application is dismissed without leave to reapply.

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 26, 2021

Residential Tenancy Branch