



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNE, LRE, RP, OLC, FFT

### Introduction

The tenants filed an Application for Dispute Resolution on May 6, 2021 seeking a cancellation of the One Month Notice to End Tenancy for Cause (the “One-Month Notice”). They also applied for a suspension or restriction on the landlord’s right to enter the rental unit, the landlord’s compliance with the law, and repairs to the rental unit. Additionally, they applied for reimbursement of the Application filing fee. The matter proceeded to a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on September 14, 2021.

The landlord attended the conference call hearing; the tenants did not attend.

### Preliminary Matters

The landlord in the hearing stated they did not receive notice of this hearing from the tenants until it was stated in a prior hearing on June 30, 2021. As per the *Residential Tenancy Branch Rules of Procedure* Rule 3.1, an applicant must serve the notice of hearing to each respondent within three days of its being made available by the Residential Tenancy Branch. I accept the landlord’s statement here and find the tenants did not serve notice for this hearing in line with the *Rules of Procedure*. For that reason, I can dismiss the tenant’s Application with leave to reapply.

At the outset of the hearing, the landlord provided that the tenancy ended when the tenants moved out on June 30, 2021. This was after a prior hearing in which an arbitrator awarded an order of possession to the landlord for that date. The landlord provided a copy of that order of possession dated June 30, 2021, as well as the

decision of the arbitrator from that hearing. I find this is confirmation that the tenancy ended on that date.

Because of this, and because of the tenant's non-attendance here, as well as their non-service of the notice for this hearing, I dismiss the entirety of the tenants' Application without leave to reapply.

In this present dispute, the tenancy already ended. Because of this, I find it unnecessary to decide the issue of the validity of the One-Month Notice.

Because the tenancy has ended, I decline to make a finding on the landlord's right to enter the rental unit, the need for repairs, or the landlord's compliance with the law. Those issues concern a continuing tenancy; here, the tenancy ended. These portions of the tenant's Application are also dismissed without leave to reapply.

### Conclusion

I dismiss the tenants' Application in its entirety, without leave to reapply. The tenants are not entitled to reimbursement of the Application filing fee.

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

Dated: September 14, 2021

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Residential Tenancy Branch