



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, OLC, FFT**

Introduction

The words tenant and landlord in this decision have the same meaning as in the *Residential Tenancy Act*, (the "Act") and the singular of these words includes the plural.

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;
- An order for the landlord to comply with the *Act*, Regulations and/or tenancy agreement pursuant to section 62; and
- Authorization to recover the filing fee for this application from the opposing party pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 11:10 a.m. to enable the tenant to call into this hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord KR attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed he received the tenants' Notice of Dispute Resolution Proceedings package and stated he had no issues with timely service of documents.

Background and Evidence

The landlord testified that a previous arbitration hearing held in July, the landlord was granted an order of possession. The tenants vacated the rental unit on August 1, 2021 and there are new tenants occupying the rental unit.

Analysis

Based on the undisputed testimony of the landlord, I find the tenancy ended when the tenants vacated the rental unit in accordance with section 44(1)(d) of the *Act*.

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, I find the tenants' application no longer discloses a dispute that may be determined under Part 5 of the *Act*. I dismiss the tenant's application without leave to reapply pursuant to section 62(4).

Pursuant to section 72 of the *Act*, the filing fee will not be recovered.

Conclusion

The 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: October 15, 2021

Residential Tenancy Branch