



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Cascadia Apartment Rentals LTD and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction and Preliminary Matter

This hearing was convened as a result of the landlord's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act). The landlord applied for an order of possession for the rental unit pursuant to a One Month Notice to End Tenancy for Cause (Notice) and for recovery of the filing fee paid for this application. The landlord submitted a copy of the Notice.

The landlord's agent (agent) attended the telephone conference call hearing; the tenants did not attend.

The agent submitted evidence that the tenant MG was served with their Application for Dispute Resolution, evidence, and Notice of Hearing (application package) by registered mail. The landlord submitted the registered mail receipt and tracking number indicating service. There was no proof tenant CG was served the application package.

Based upon the submissions of the landlord, I find tenant MG only was served notice of this hearing and the landlord's application in a manner complying with section 89(1) of the Act and the hearing proceeded in the tenant's absence.

At the beginning of the hearing, the landlord confirmed that the tenants vacated the rental unit on September 30, 2021, and that as a result, an order of possession for the rental unit was no longer being requested.

Analysis and Conclusion

Given the above, I dismiss the landlord's application seeking an order of possession of the rental unit as the matter is now moot. The tenancy ended when the tenants vacated the rental unit on September 30, 2021.

As I have not considered the merits of the Notice or the landlord's application, I decline to award the landlord recovery of their filing fee.

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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: December 30, 2021

Residential Tenancy Branch