



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Desert Sun Counselling & Resource Centre  
Society and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNL-4M, OLC, FFT

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on August 23, 2021 (the “Application”). The Tenant applied as follows:

- To dispute a Four Month Notice to End Tenancy for Demolition or Conversion of a Rental Unit dated July 26, 2021 (the “Notice”)
- For an order that the Landlord comply with the Act, regulation and/or the tenancy agreement
- To recover the filing fee

The Tenant appeared at the hearing. The Agents for the Landlord appeared at the hearing.

The Agents for the Landlord provided the correct name of the Landlord which is reflected in the style of cause.

The Tenant confirmed the request for an order that the Landlord comply with the Act, regulation and/or the tenancy agreement is the same as the dispute of the Notice.

The parties agreed the Tenant had vacated the rental unit. The Tenant stated that they vacated the rental unit October 31, 2021. The Agents for the Landlord stated that the Tenant vacated the rental unit November 02, 2021. The Agents for the Landlord confirmed the Landlord is not seeking an Order of Possession in the circumstances.

I dismissed the Application without leave to re-apply because the issue before me – whether the tenancy should continue or end – is a moot point given the Tenant vacated the rental unit and therefore the tenancy has already ended. Further, the Tenant is not entitled to recover the filing fee because the Tenant was not successful in disputing the Notice and there was no need for the Tenant to file the Application when the Tenant vacated the rental unit prior to the hearing date.

### Conclusion

The Application is dismissed without leave to re-apply.

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: January 05, 2022

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Residential Tenancy Branch