



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNL, OLC, LRE, FF

Introduction, Preliminary and Procedural Matters-

This hearing dealt with the tenants' application and amended application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- an order cancelling a One Month Notice to End Tenancy for Cause (One Month Notice);
- an order cancelling a Two Month Notice to End Tenancy for Landlord's Use of Property (Two Month Notice);
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement;
- an order suspending or setting conditions on the landlord's right to enter the rental unit; and
- recovery of the filing fee.

The tenants, the representative for the corporate landlord, and the landlord's legal counsel (counsel) were in attendance. The parties all provided affirmed statements they were not recording the hearing.

At the start of the hearing, in response to my inquiry, the tenant testified, without dispute, that they vacated the rental unit on November 26, 2021, after filing their application on or about August 29, 2021.

As a result, I find the portion of the tenants' application seeking cancellation of the One Month Notice and Two Month Notice is moot as the tenancy ended on or about November 26, 2021, the date the tenants vacated the rental unit.

Additionally, as the tenancy ended prior to the hearing, it was no longer necessary to consider the tenants' request for an order requiring the landlord to comply with the Act or an order suspending or setting conditions on the landlord's right to enter the rental unit, as these issues in this circumstance involve an ongoing tenancy.

Given the above, I **dismiss** the tenants' application on all issues, without leave to reapply.

As I have not considered the merits of the tenants' application, I decline to award them recovery of the filing fee.

Conclusion

The tenants' application is dismissed without leave to reapply as the tenancy ended on November 26, 2021, the date the tenants vacated the rental unit.

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: January 10, 2022

Residential Tenancy Branch