



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sterling Management Services
Ltd and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, OLC, FFT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding a tenancy. In this application for dispute resolution, the Tenant applied for:

- an order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated November 8, 2021 (the 10 Day Notice);
- an order for the Landlord to comply with the Act, regulation an/or the tenancy agreement; and
- the filing fee.

The Tenant attended the hearing; the Landlord did not. The Tenant was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses; he was made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The Tenant testified he served the Notice of Dispute Resolution Proceeding (NDRP) and evidence on the Landlord in person on November 17, 2021, by leaving a copy at the Landlord's address for service, with an employee of the property management company. I accept the Tenant's undisputed affirmed testimony on service, and find the Tenant served the Landlord in accordance with section 89 of the Act. In accordance with section 90 of the Act, the Tenant's NDRP and evidence is deemed received by the Landlord on November 17, 2021.

During the hearing, the Tenant testified that he vacated the property and no longer resides in the rental unit. Therefore, in accordance with section 62(4)(b), I dismiss the Tenant's application for an order to cancel the 10 Day Notice and an order for the Landlord to comply with the Act, regulation an/or the tenancy agreement, as they are moot.

As the Tenant had vacated the rental unit prior to the hearing, I decline to award him the filing fee.

Conclusion

The tenancy has ended.

The Tenant's application is dismissed.

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: February 04, 2022

Residential Tenancy Branch