



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, CNC, FFT

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- the cancellation of the One Month Notice to End Tenancy for Cause (the "**Notice**") pursuant to section 47;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 11:10 am in order to enable the tenants to call into the hearing scheduled to start at 11:00 am. The assistant to the landlord's property manager ("**AW**") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I used the teleconference system to confirm that AW and I were the only ones who had called into the hearing.

At the outset of the hearing, AW advised me that the tenants no longer reside at the rental unit. He stated that the landlord obtained an order of possession in a prior dispute resolution proceeding (file number on the cover of this decision), obtained a writ of possession from the Supreme Court of British Columbia on December 9 or 10, 2021, and exercised this writ of possession on December 23, 2021.

As such, I find that this application is moot: the validity of notice is no longer a live issue; and the applicants are no longer tenants under the Act, so they are not entitled to an order requiring the landlord to comply with the Act.

I dismiss this application, in its entirety, 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: February 14, 2022

Residential Tenancy Branch