



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC OLC

Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 1 Month Notice to End Tenancy for Cause (1 Month Notice) and for an order directing the landlord to comply with the Act, regulation or tenancy agreement. The filing fee was waived.

The tenant and the landlord attended the teleconference hearing. The parties were affirmed and the hearing process was explained. The parties were also provided the opportunity to ask questions. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

The parties were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The parties were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. If any recording was surreptitiously made and used for any purpose, the party will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The parties did not have any questions about my direction pursuant to RTB Rule 6.11.

At the start of the hearing, the tenant testified that they vacated the rental unit on October 29, 2021 since filing their application on October 7, 2021. As a result, I find the tenant's application is moot as the tenancy ended by the tenant's own actions when the tenant vacated the rental unit. Given the above, **I dismiss** the tenant's application without leave to reapply.

The tenant requested to amend their application to deal with a monetary claim for loss of quiet enjoyment. The tenant was informed that their request was denied as I find that such an amendment at the hearing would be prejudicial to the landlord who was not properly served with such an application. Therefore, the tenant was advised that such an application would be a new application for dispute resolution under the Act.

In addition to the above, the parties confirmed their email addresses at the outset of the hearing. The parties were advised that the decision would be emailed to both parties.

Analysis

The tenant's application to cancel the 1 Month Notice is now moot as the tenancy has ended by the action of the tenant vacating the rental unit. Consequently, the tenant's application is dismissed without leave to reapply.

Conclusion

The tenant's application is dismissed without leave to reapply as noted above.

The decision will be emailed to both parties.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 15, 2022

Residential Tenancy Branch