



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, OLC, FFT

Introduction

The Applicant seeks the following relief under the *Residential Tenancy Act*:

- To cancel a Four-Month Notice to End Tenancy pursuant to s. 49;
- An order pursuant to s. 62 that the landlord comply with the *Act*, Regulations, and/or the tenancy agreement; and
- Return of her filing fee pursuant to s. 72.

J.S. appeared as the Applicant. M.K. appeared as the Respondent and was joined by his wife, M.K.. The Respondent was also represented by counsel, G.M., who was also present at the hearing.

The parties affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. The parties confirmed that they were not recording the hearing.

Dismissal of the Application

At the outset of the hearing, I confirmed with the parties that the Applicant vacated the subject rental on February 1, 2022.

I advised the parties that the tenancy, if there is one at all, is over and that the issues as pled by the Applicant are no longer relevant. Accordingly, the application is dismissed without leave to reapply as the issues pled within it are moot.

Both parties appeared to be making overlapping monetary claims. However, as made clear by Rule 2.2 of the Rules of Procedure, claims are limited to what is stated in the

application. If the parties choose to pursue other relief, they will have to file an application to do so.

I make no findings of fact or law with respect to this dispute other than to note that if a tenancy exists, it ended on February 1, 2022 when the Applicant provided the Respondent with vacant possession of the unit. I make no findings with respect to jurisdiction.

This dismissal shall not be construed as a limit on either parties' entitlement to compensation or other relief to which they may be entitled to under the *Act*.

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: March 08, 2022

Residential Tenancy Branch