



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, PSF, OLC, 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 landlords to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order that the landlords provide services or facilities required by law pursuant to section 65;
- authorization to recover the filing fee for this application from the landlords pursuant to section 72.

Tenant TM and landlord BZ attended the hearing. At the outset of the hearing both attendees agreed that the parties entered into a mutual agreement to end tenancy on June 3, 2022, and that the tenants vacated the rental unit on June 30, 2022.

As such, this application is moot as relief sought by the tenants is no longer capable of being awarded. The issue of the validity of the notice no longer matters, as the tenancy has ended. Additionally, the tenants are no longer entitled to orders that the landlord complied with the Act, or that the landlords provide services or facilities, especially if only applies to tenants in current tenancy agreements.

As such, I advised the parties that I would dismiss the tenants' application without leave to apply. I then confirmed the attendees' email addresses for service of my decision.

After hearing this, TM wanted to make submissions as to specific comments the landlord made to her as the tenancy ended. I advised her that this decision would not record those comments, as they are not relevant to this application, as I only have the authority to deal with the application before for me.

TM became agitated, and continually interrupted me as I tried to explain my reasoning. Eventually, I muted her so I could finish my explanation. TM disconnected from the call while she was still muted. She then called back into the hearing, told me that since I muted her, she had muted me, and did not listen to what I said. She stated that she is entitled to time to make her case. I advised her that the issues in this application became resolved with the tenancy ending, and that no submissions, on *this* application, were necessary.

TM persisted and stated that she was forced to enter into the mutual agreement because of the landlords' conduct. I told her that if she believes she suffered a compensable loss as a result of the landlords' conduct, she was able to make an application to recover this amount but that this issue was not before me today. TM then attempted to elicit an answer to a hypothetical question regarding whether a tenancy could be reinstated after a notice to end tenancy was given if the landlord accepted payment. I advised her that it is not the role of an arbitrator to answer hypotheticals. She then told me that this was not a hypothetical and that this happened in her tenancy. I answered her question by saying it depends on the specific facts and, in any event, the issue is moot, as the tenancy ended by way of a mutual agreement to end tenancy.

TM disconnected a second time, and called back in. She stated that she was recording this proceeding. I told her that this was prohibited by RTB Rules of Procedure (Rule 6.11) and noted that the pre-recorded message played before a parties while parties wait to be connected to a hearing (which TM had heard three times, by this point) also stated that parties are prohibited from making recordings. Despite this, she stated that she was entitled to make the recordings.

TM then asked for the return of the filing fee. I advised her that I would not order that the fee be returned. She was quite upset and stated that she could not afford to pay a further filing fee. I attempted to tell her that she may be eligible for a fee waiver if this was the case.

Before being able to complete my explanation, TM continued to argue the point. When I made it clear I would not be ordering the return of the filing fee or hearing her application for monetary compensation TM hurled a slew of profanity at me. I then stated that the hearing was over and disconnected from the call.

At some point during the hearing, TM mentioned that the parties were scheduled to appear at another dispute resolution proceeding hearing in September 2022. I caution TM against conducting herself in a similar manner at that hearing. Such conduct will likely cause her to be muted at that hearing as well.

Conclusion

I dismiss the tenants' 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: July 22, 2022

Residential Tenancy Branch