



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FFT

Introduction and preliminary matters

On April 21, 2022, the Tenants applied for a Dispute Resolution proceeding seeking an Order to comply pursuant to Section 62 of the *Residential Tenancy Act* (the “Act”) and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

On May 2, 2022, the Tenants amended their Application seeking to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to Section 47 of the *Act*.

On July 8, 2022, the Tenants amended their Application again seeking to cancel a second One Month Notice to End Tenancy for Cause pursuant to Section 47 of the *Act*.

Both Tenants and the Landlord attended the hearing. At the outset of the hearing, I explained to the parties that as the hearing was a teleconference, none of the parties could see each other, so to ensure an efficient, respectful hearing, this would rely on each party taking a turn to have their say. As such, when one party is talking, I asked that the other party not interrupt or respond unless prompted by myself. Furthermore, if a party had an issue with what had been said, they were advised to make a note of it and when it was their turn, they would have an opportunity to address these concerns. The parties were also informed that recording of the hearing was prohibited, and they were reminded to refrain from doing so. As well, all parties in attendance provided a solemn affirmation.

Service of documents was discussed; however, it was later determined that the tenancy ended on or around August 14, 2022.

As the Tenants have already given up vacant possession of the rental unit, I find that it is unnecessary to consider the merits of the Notices or grant an Order of Possession. As such, I dismiss the Tenants' Application without leave to reapply.

The parties were given an opportunity to settle any other matters they had with respect to this tenancy; however, these discussions were unsuccessful.

As the Tenants had given up vacant possession of the rental unit, I do not find that the Tenants are entitled to recover the \$100.00 filing fee paid for this Application.

Conclusion

I dismiss the Tenants' Application for Dispute Resolution 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: August 22, 2022

Residential Tenancy Branch