



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT, OLC, FF

Introduction, Preliminary and Procedural Matters-

This hearing convened to deal with the tenant's application for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act). The tenant applied on April 15, 2022 for an order cancelling a One Month Notice to End Tenancy for Cause (Notice), an order extending the time to file an application disputing the Notice, an order requiring the landlord to comply with the Act, regulations, or tenancy agreement and to recover the cost of the filing fee.

The parties listed on the cover page of this Decision attended the hearing and were affirmed.

As a preliminary matter, the tenant stated that she vacated the rental unit on August 1, 2022. The landlord confirmed that the tenant vacated the rental unit on August 1, 2022.

Analysis and Conclusion

As I informed the tenant, I cannot proceed on her application for dispute resolution, as the tenancy ended on the date she vacated the rental unit on August 1, 2022, as provided in section 44(1)(d) of the Act.

I find the request to cancel the Notice is now moot, as the tenancy has ended. If the tenant believed she should not be required to vacate the rental unit, she ought to have waited for the hearing so that I could decide whether she is required to vacate. When the tenant vacated the rental unit, their application became moot, as I cannot now decide whether or not the tenancy shall continue.

As to the tenant's request to require the landlord to comply with the Act, the tenant's request pertained to alleged lack of heat in the rental unit. I find this request concerns an ongoing tenancy. As the tenancy has ended, it was no longer necessary to consider this request.

The tenant wanted me to consider her monetary claim. However, I informed the tenant that she did not mark in her application seeking monetary compensation. I note that the tenant filed an application for dispute resolution form as evidence. This evidence was filed within her claim for an order cancelling a 1 Month Notice, and not made a separate issue. Also, a monetary claim was not served on the landlord with their Notice of Hearing.

As the tenant failed to include a monetary claim with her application, she is at liberty to make a separate application, if she so chooses.

Given the above, I **dismiss** the tenant's application, without leave to reapply.

As I did not consider the merits of the tenant's application or the 1 Month Notice, I dismiss the tenant's request for recovery of the filing fee, 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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: August 16, 2022

Residential Tenancy Branch