



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Landlord's application: OPC FFL
Tenants' application: OLC FFT

Introduction

This hearing was convened as a result of an Application for Dispute Resolution (application) by both the landlords and the tenants seeking remedy under the *Residential Tenancy Act* (Act). The landlords applied for an order of possession based on an undisputed 1 Month Notice to End Tenancy for Cause (1 Month Notice) and for the filing fee. The tenants applied for an order directing the landlord to comply with the Act, regulation or tenancy agreement.

The landlord attended the teleconference hearing. The landlord gave affirmed testimony and confirmed that as of September 1, 2022 the tenants vacated the rental unit and as a result, the landlord have obtained possession back of the rental unit. The tenants did not attend the hearing, which lasted a total of 23 minutes.

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1 and 7.3 apply and state:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

Given the above and following the 10-minute waiting period, the application of the tenants was **dismissed without leave to reapply**. This decision does not extend any applicable time limits under the Act. The respondent attended the hearing, yet the applicant tenant did not attend the hearing to present the merits of their application.

The filing fee for the tenants is not granted given the above. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

Given the above and considering that the landlord has obtained possession back of the rental unit since filing their application, I find the landlord's application is now moot.

The landlord confirmed their email address during the hearing. The tenants provided their email address in their application. As a result, this Decision will be sent to the email addresses for the parties.

Issue to be Decided

- Is this application now moot?

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I find this application is now moot as the landlord has possession back of the rental unit as of September 1, 2022, since filing their application on July 24, 2022. Accordingly, this matter is dismissed without leave to reapply.

The filing fee is not granted as this application is now moot.

Conclusion

This application is now moot and is dismissed without leave as a result.

The filing fee is not granted for either party.

This decision does not extend any application timelines under the Act.
This decision will be emailed to both parties as described above.

This decision is final and binding on the parties, unless 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: September 16, 2022

Residential Tenancy Branch