



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, CNC, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants disputing a rent increase, and seeking orders cancelling a notice to end the tenancy and to recover the filing fee from the landlord for the cost of the application.

Both tenants and an agent for the landlord attended the hearing, and each gave affirmed testimony. The parties were given the opportunity to question each other and to give submissions.

At the commencement of the hearing, the landlord's agent submitted that the *Residential Tenancy Act* does not apply because the tenants used the premises solely for business purposes in providing respite services for which they were paid. The tenants dispute that, however the tenants have vacated the rental unit effective May 31, 2022.

Since the tenants have vacated the rental unit, I dismiss the tenants' application without leave to reapply.

Should the parties have a further dispute, either party may make an application, and I make no findings of fact or law with respect to jurisdiction.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed 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: September 11, 2022

Residential Tenancy Branch