



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, 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 September 2, 2022 for an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlords and to recover the cost of the filing fee.

The tenant attended the hearing; however, the landlords did not. The tenant was affirmed.

The tenant submitted documentary evidence and testimony that she served the landlords with her Application for Dispute Resolution, evidence, and Notice of Hearing (application package) by registered mail on September 17, 2022. I find the landlords were sufficiently served with the tenant's application as required by the Act.

As a preliminary matter, the tenant stated that she vacated the rental unit on September 15, 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 September 15, 2022, as provided in section 44(1)(d) of the Act. Therefore, the issue of whether the tenancy should continue or end by the Notice is now moot.

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 10 Day 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: October 13, 2022

Residential Tenancy Branch