



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC FFL

Introduction

This hearing was convened as a result of the landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The landlord applied for an order of possession based on an undisputed 1 Month Notice to End Tenancy for Cause (1 Month Notice) and to recover the cost of the filing fee.

The landlord, tenant and an advocate for the tenant, TL (advocate) attended the teleconference hearing. The parties confirmed that as of August 31, 2022 the tenant vacated the rental unit and as a result, the landlord has obtained possession back of the rental unit. The landlord also confirmed that they received the rental unit keys from the tenant and that the rental unit has been re-rented since the landlord filed their application.

Preliminary and Procedural Matters

Given that the tenant vacated the rental unit prior to the hearing, I will determine if this matter is now moot.

The landlord confirmed that they do not have an email address. The tenant provided their email address. This decision will be sent by regular mail to the landlord and by email to the tenant.

Issues to be Decided

- Is this application now moot?
- Is the landlord entitled to recovery the cost of the filing fee?

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 confirmed that they obtained possession back of the rental unit as of August 31, 2022, since filing their application on June 10, 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.

This decision will be sent by regular mail to the landlord and will be sent by email to the tenant as indicated 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: October 28, 2022

Residential Tenancy Branch