



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, PSF, LRE, AS, OLC, FFT

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to section 46;
- an Order that the landlord's right to enter be suspended or restricted, pursuant to section 70;
- an Order directing the landlord to comply with the *Act*, regulation or tenancy agreement, pursuant to section 62;
- an Order to provide services or facilities required by the tenancy agreement or law, pursuant to section 65;
- an Order to be allowed to assign or sublet, pursuant to section 65; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

### Preliminary Issue- Amendment

The landlord testified that the tenants spelt his name wrong in this application for dispute resolution. The landlord provided the correct spelling in the hearing. Pursuant to section 64 of the *Act*, I amend the tenants' application for dispute resolution to correctly spell the landlord's name.

Preliminary Issue – Tenancy Ended

At the outset of the hearing both parties agreed that the tenancy already ended and that the tenants do not currently reside in the subject rental property.

I find that the tenants' application for dispute resolution is moot since all the claims made in the application for dispute resolution are predicated on an ongoing tenancy, and this tenancy has ended.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the tenants' application for dispute resolution.

As the tenants' have not been successful in any of their claims, I find that the tenants are not entitled to recover the \$100.00 filing fee from the landlord, pursuant to section 72 of the *Act*.

Conclusion

The tenants' application for dispute resolution is 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: November 25, 2022

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Residential Tenancy Branch