



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FFT

Dismissal of Application

The Tenants seek the following relief under the *Residential Tenancy Act* (the “*Act*”):

- an order pursuant to s. 47 cancelling a One-Month Notice to End Tenancy signed on June 20, 2022 (the “One-Month Notice”);
- an order pursuant to s. 62 that the Landlord comply with the *Act*, Regulations, and/or the tenancy agreement; and
- return of their filing fee pursuant to s. 72.

D.P. and W.P. appeared as the Tenants. B.P. appeared as the Landlord and was joined by his spouse B.P..

The parties affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

At the outset of the hearing, D.P. advised that she and W.P. vacated the rental unit on August 5, 2022. The Landlord confirmed that this was the date in which he obtained possession of the rental unit. Based on the parties undisputed testimony, I find that the tenancy ended on August 5, 2022.

As the tenancy is over, issues pertaining to the enforceability of the One-Month Notice are no longer relevant. Further, orders issued under s. 62(3) of the *Act* that the Landlord comply is only relevant to ongoing tenancies, which is no longer the case here. The Tenant D.P. argued that the maintenance issues alleged are still present and that there is a new tenant in the rental unit. I make no comment on the allegation. However, if there is an issue, that is up to the current tenant to raise, should they so wish.

Given that the tenancy is over, I dismiss the Tenants' application without leave to reapply as the relief sought is moot. As no findings were made with respect to the aspects in dispute, I find that the Tenants are not entitled to the return of their filing fee. Their claim under s. 72(1) of the *Act* is similarly 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 04, 2022

Residential Tenancy Branch