



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 561847 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, ERP, FF

Introduction

This hearing convened by teleconference on July 29, 2022, to deal with the tenants' application for dispute resolution seeking remedy under the Residential Tenancy Act (Act).

The tenants applied seeking resolution on multiple issues; however, all but two of the issues were severed and dismissed, with leave to reapply. The remaining issues to be considered were the request for an order cancelling the One Month Notice to End Tenancy for Cause (Notice/1 Month Notice) issued by the landlord and an order requiring the landlord to make emergency repairs to the rental unit for health or safety reasons.

After 72 minutes, it was clear there was insufficient time to conclude all the issues in dispute in the time allotted for the hearing on July 29, 2022. The hearing was adjourned. An Interim Decision was issued on August 4, 2022, in which the hearing was adjourned to a date and time set by the Residential Tenancy Branch (RTB). The Interim Decision is incorporated by reference and should be read in conjunction with this Decision.

At the reconvened hearing, the tenants, the landlord, and the landlord's legal counsel (counsel), were in attendance and the hearing continued. All parties were reminded that they were still affirmed for the continuation of the hearing.

Before the testimony began, counsel submitted that the tenants had vacated the rental unit. The tenant, CB, confirmed that they vacated the rental unit on August 30, 2022.

Analysis and Conclusion

As I informed the tenants, I cannot proceed on their application seeking an order cancelling the 1 Month Notice and an order for the landlord's compliance. I find these are matters related to an ongoing tenancy, and in this case, the tenancy ended when the tenants vacated the rental unit on August 30, 2022, as provided in section 44(1)(d) of the Act.

I therefore find the issues in the tenants' application are concluded.

Given the above, I **dismiss** the tenants' application, without leave to reapply.

As I did not consider the merits of the tenants' application and the landlord's Notice, I dismiss the tenants' 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: December 30, 2022

Residential Tenancy Branch