



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, DRI-ARI-C

Introduction, Preliminary and Procedural Matters-

This hearing convened to deal with the tenants' application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for an order cancelling a One Month Notice to End Tenancy for Cause (Notice/1 Month Notice), an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, and to dispute an additional rent increase for capital expenditures.

The tenants and the landlord were in attendance at the hearing. The parties were affirmed.

At the start of the hearing, the tenants confirmed that they vacated the rental unit prior to the hearing.

Section 44 (1)(d) states that one way a tenancy ends is when a tenant vacates the rental unit. I find two of the issues in the tenants' application have now concluded as the tenancy ended when the tenants vacated the rental unit. It is no longer necessary for me to consider the merits of the landlord's 1 Month Notice to determine whether the tenancy ends or continues or for an order for the landlord's compliance, which is related to an ongoing tenancy.

Additionally, the evidence showed that the tenants did not receive a rent increase for the landlord's capital expenditure, which comes by way of an order by an arbitrator with the Residential Tenancy Branch (RTB), granting the landlord an additional rent increase.

Given the above, I **dismiss** the tenants' application, 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