



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC-MT, DRI, FFT

Introduction

This hearing dealt with The Tenant's Application for Dispute Resolution which was made on July 28, 2022 (the "Tenant's Application"). The Tenant applied for the following relief, pursuant to the Residential Tenancy Act (the "Act"):

- an order to cancel a One Month Notice to End Tenancy for Cause dated July 16, 2022 (the "One Month Notice");
- an order granting more time to dispute a Notice to End Tenancy;
- to dispute a rent increase; and
- an order granting the recovery of the filing fee.

The Tenant, the Tenant's Advocate M.M., and the Landlord attended the hearing at the appointed date and time. At the start of the hearing, the Landlord confirmed receipt of the Notice of hearing and the Tenant's documentary evidence package. I find these documents were sufficiently served pursuant to Section 71 of the *Act*. The Landlord stated that he did not serve a copy of his evidence to the Tenant. As such, the Landlord's evidence will not be considered in this decision.

Preliminary Matters

At the start of the hearing, the parties testified and agreed that the tenancy has ended on December 14, 2022. The Landlord confirmed that he has vacant possession of the rental unit. As such, I find that the Tenant's claim to cancel the One Month Notice is now moot and dismissed without leave to reapply.

The Tenant has also applied to dispute a rent increase. The Tenant confirmed that the Landlord had proposed a rent increase, however, the Tenant did not pay the amount

being sought by the Landlord. As the Tenant did not pay any increased amount of rent, and that the tenancy has ended, I find that this claim is also moot, therefore, dismissed without leave to reapply.

As the Tenant was not successful with the Application, I find that they are not entitled to the return of the filing fee.

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: December 19, 2022

Residential Tenancy Branch