



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes**      CNC, FFT

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

- the cancellation of the One Month Notice to End Tenancy for Cause (the "**Notice**") pursuant to section 47; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 9:40 am in order to enable her to call into the hearing scheduled to start at 9:30 am. The landlord's property manager ("**OB**") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I used the teleconference system to confirm that OB and I were the only ones who had called into the hearing.

OB advised me that the landlord obtained an order of possession on December 7, 2022 and that the tenant was removed from the rental unit by a bailiff on December 20, 2022. She provided the file number of that proceeding (listed on cover of this decision) and I confirm that an order of possession was issued. She also testified that the tenant did not serve the landlord with the notice of dispute resolution proceeding package, and only learned of this application when she received an automated email from the Residential Tenancy Branch reminding her of the hearing.

I accept that the tenant has been removed from the rental unit by a bailiff and no longer resides there. As such, and as an order of possession has already been issued against her, I find that this application is moot. Even if the tenant is successful, it would not have the effect of re-instating the tenancy.

Accordingly, I dismiss the application. I decline to issue an order of possession, however, as the landlord does not require one.

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: January 13, 2023

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Residential Tenancy Branch