



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, LAT, OLC, FF

### 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), authorization to change the locks to the rental unit, an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, and recovery of the cost of the filing fee.

The tenants were in attendance at the hearing and were affirmed. Although the landlord did not attend, I find the tenants submitted sufficient evidence that the landlord was served the tenants' Application for Dispute Resolution, evidence, and Notice of Hearing (application package) by personal service and chose not to attend.

At the start of the hearing, the tenants confirmed that they vacated the rental unit on January 1, 2023.

Section 44 (1)(d) states that one way a tenancy ends is when a tenant vacates the rental unit. I find the three 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. Further, the other issues relate to an ongoing tenancy and are therefore moot points.

Given the above, I **dismiss** the tenants' application, without leave to reapply. As I have not considered the merits of the tenants' application or the landlord's 1 Month Notice, I dismiss the tenants' request for recovery of their 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: January 17, 2023

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Residential Tenancy Branch