



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR MNDCT OLC LRE

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The tenant applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice), for a monetary claim of \$5,000, for an order directing the landlord to comply with the Act, Regulation or tenancy agreement, and for an order to suspend or set limits on the landlord's right to enter the rental unit, site or property.

The tenant, landlord and agent attended the teleconference hearing. The parties provided affirmed testimony and confirmed that as of January 15, 2023, the tenant vacated the rental unit and as a result, the landlord has obtained possession back of the rental unit. In addition, the landlord confirmed that new tenants occupy the rental unit.

Preliminary and Procedural Matters

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 2.3 authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the tenant indicated several matters of dispute on the application, the most urgent of which is the application to cancel the 10 Day Notice. I find that not all the claims on the application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request to cancel the 10 Day Notice at this proceeding. The balance of the tenant's application is dismissed, with leave to re-apply.

Given the above and considering that the landlord has obtained possession back of the rental unit since filing their application, I find there is no need to continue with this application as the tenancy has already ended based on the action of the tenant vacating the rental unit.

The parties confirmed their email address during the hearing. As a result, this decision will be sent to the email addresses for the parties confirmed during the hearing.

Issue to be Decided

- Has the tenancy already ended?

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I find this dispute has already been resolved prior to this hearing as the tenant vacated the rental unit on January 15, 2023, since filing their application on November 14, 2022. Accordingly, this matter is dismissed without leave to reapply.

The filing fee is not granted as the tenant decided to vacate the rental unit prior to the hearing.

Conclusion

This application is dismissed without leave as a result. The filing fee is not granted as noted above.

The tenant is at liberty to apply for their monetary claim. This decision does not extend any application timelines under the Act. This decision will be emailed to both parties as described above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: March 27, 2023

Residential Tenancy Branch