



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding SCHOOL DISTRICT NO. 92 (NISGA'A) and  
[tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      **OLC, FFT**  
                                 **CNC, OLC, FFT**

### **Introduction**

This hearing dealt with two applications filed by the tenant pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order for the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62;
- Authorization to recover the filing fee from the other party pursuant to section 72;
- An order to cancel a 1 Month Notice to End Tenancy for Cause, pursuant to sections 47 and 55; and
- An order for the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62.

The tenant attended the hearing and the landlord was represented by its counsel, ML. As both parties were present, service was confirmed. The parties each confirmed receipt of the application and evidence. Based on the testimonies I find that each party was served with these materials as required under RTA sections 88 and 89.

### **Preliminary Issue**

The tenant testified that she has moved out of the rental unit as of the day before the hearing. All her belongings have been removed and she has moved into a new rental unit in a different city.

Based on the tenant's undisputed testimony, I treat the tenant's vacating of the property as the tenant's acceptance of the validity of the notice to end tenancy and I make an order that the tenancy ended on August 28, 2023, pursuant to section 44(1)(f) of the Act.

As such, it is not necessary for me to determine on the merits whether the Notice to End tenancy was valid and I make no findings with respect to its validity.

Section 62(4) allows the director to dismiss an application if there are no reasonable grounds for the application or if the application does not disclose a dispute that may be determined under Part 5 of the *Residential Tenancy Act*. As this tenancy has already ended, I find the tenant's application falls under section 62(4) and I dismiss it without leave to reapply.

At the hearing, counsel advised that they will not seek to collect rent for the month of August 2023 from the tenant, even though she has not paid rent for that month.

#### Conclusion

The tenant's applications are dismissed 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*.

Dated: August 30, 2023

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Residential Tenancy Branch