



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding Amacon Property Management Service
Inc. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, LRE

Introduction

The Tenant filed an Application on May 31, 2023 for a cancellation of the One-Month Notice to End Tenancy for Cause (the “One-Month Notice”), and restrictions/set conditions on the Landlord’s right to enter the rental unit.

The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on September 22, 2023.

The Landlord attended the scheduled hearing at 1:38pm, with the hearing start time scheduled at 1:30pm. The Tenant did not attend. The Landlord stated that the Tenants moved out from the rental unit on August 14, 2023.

Though the Tenant filed an Application to dispute the One-Month Notice, the validity of the Landlord’s reasons for ending the tenancy are non-issues where the Tenant moved out in the interim period. I entirely dismiss the Tenant’s Application for this reason.

The Landlord provided evidence of the costs to them for the end of this tenancy. This includes the damages to the rental unit, stemming from the Tenant and their conduct. Additionally, the Landlord incurred costs for hiring a bailiff to evict the Tenants.

Compensation to the Landlord is outside the scope of this single Application from the Tenant; the Landlord must make their own Application for dispute resolution for that type of relief. That requires full disclosure to the Tenant, and the full opportunity for the Tenants to respond in an administratively fair procedure. Any consideration of the Landlord’s claim for compensation, at this stage and without a proper hearing procedure, would be prejudicial to the Tenants who must be afforded the opportunity to respond.

Conclusion

Because the tenancy has ended, I dismiss the Tenant's Application, without leave to reapply.

I make this decision on the authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: September 22, 2023

Residential Tenancy Branch