

DECISION

Introduction

This hearing dealt with cross applications for Dispute Resolution under the *Residential Tenancy Act* ("Act") by the Parties.

The Tenants applied for:

- cancellation of the Landlord's One Month Notice to End Tenancy for Cause (One Month Notice) under section 47 of the Act
- a Monetary Order for compensation for damage or loss under the Act, regulation or tenancy agreement under section 67 of the Act
- an order to suspend or set conditions on the Landlord's right to enter the rental unit under section 70(1) of the Act
- an order requiring the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act
- an order to end the tenancy based on a frustrated tenancy agreement under section 44 of the Act

The Landlords applied for:

- an Order of Possession based on a One Month Notice to End Tenancy for Cause (One Month Notice) under sections 47 and 55 of the Act
- authorization to recover the filing fee for this application from the Tenants under section 72 of the Act

Tenant D.D.2 and Tenant C.B.R. attended the hearing for the Tenants.

Landlord Y.L and H.L. attended the hearing for the Landlords.

Service of Notice of Dispute Resolution Proceeding (Proceeding Package)

Both parties acknowledged receipt of the Proceeding Packages and raised no concerns regarding service. I therefore found the Proceeding Package duly served in accordance with section 89(1) the Act, and the hearing proceeded as scheduled.

Service of Evidence

Tenant D.D.2 confirmed the Tenants received the Landlords' evidence and that they had enough time to review it.

Tenant D.D.2 stated that the Tenants did not serve the Landlords their evidence. I find that, although the Tenants provided evidence to the Residential Tenancy Branch, they did not provide that evidence separately to the Landlords. I find that any consideration I make involving that evidence would be prejudicial to the Landlords. For this reason, I exclude the Tenants' documentary evidence from consideration.

Preliminary Matters

Severing Issues

Rule 2.3 of the *Residential Tenancy Branch Rules of Procedure* states that claims must be related to each other, and that if, in the course of the dispute resolution proceeding the Arbitrator determines that it is appropriate to do so, the Arbitrator may sever or dismiss the unrelated disputes contained in a single application with or without leave to apply.

I informed the parties at the outset of the hearing that due to the requirements under Rule 2.3 that claims be related to each other, I was only going to hear the most urgent claim, which was whether the tenancy would continue and if not, whether the Landlords was entitled to an Order of Possession.

The following issue was dismissed with leave to reapply:

- a Monetary Order for compensation for damage or loss under the Act, regulation or tenancy agreement under section 67 of the Act

Leave to reapply is not an extension of any applicable time limit.

The Tenants' Vacating the Rental Unit

At the hearing, the parties confirmed that the Tenants vacated the Unit on November 1, 2024. I accept that the Landlords took back possession of the rental unit on that date. As such, I find that the following issues have become moot and are dismissed without leave to reapply:

- cancellation of the Landlord's One Month Notice to End Tenancy for Cause (One Month Notice) under section 47 of the Act
- an order to suspend or set conditions on the Landlord's right to enter the rental unit under section 70(1) of the Act
- an order requiring the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act
- an order to end the tenancy based on a frustrated tenancy agreement under section 44 of the Act

- an Order of Possession based on a One Month Notice to End Tenancy for Cause (One Month Notice) under sections 47 and 55 of the Act

Conclusion

The Tenants' application for cancellation of the Landlords' One Month Notice to End Tenancy for Cause (One Month Notice) under section 47 of the Act is dismissed, without leave to reapply.

The Tenants' application for a Monetary Order for compensation for damage or loss under the Act, regulation or tenancy agreement under section 67 of the Act is dismissed, with leave to reapply.

The Tenants' application for an order to suspend or set conditions on the Landlords' right to enter the rental unit under section 70(1) of the Act is dismissed, without leave to reapply.

The Tenants' application for an order requiring the Landlords to comply with the Act, regulation or tenancy agreement under section 62 of the Act is dismissed, without leave to reapply.

The Tenants' application for an order to end the tenancy based on a frustrated tenancy agreement under section 44 of the Act is dismissed, without leave to reapply.

The Landlords' application is moot and is dismissed in its entirety, without leave to reapply.

I decline to award the Landlords the filing fee as a result.

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: November 7, 2024

Residential Tenancy Branch