



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes: CNC, MT

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenants on June 3, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord.

The Application for Dispute Resolution seeks an order to cancel a one month Notice to end tenancy. In fact, the tenant was seeking to cancel a 10 day Notice. I amended the Application for Dispute Resolution to provide that the tenant was seeking to cancel a 10 day Notice to End Tenancy.

Issues to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated June 3, 2014?

Background and Evidence:

The tenancy began on September 1, 2013 when the parties entered into a fixed term tenancy that was to end on July 31, 2014. The agreement further provided that the tenancy was to come to an end on that date and the tenants would have to vacate the rental unit. The monthly rent was \$2500 per month. The tenant(s) paid a security deposit of \$1250 at the start of the tenancy.

The tenants took the position that the rental unit was not satisfactory and they had the right to withhold the rent. The landlord served the 10 day Notice to End Tenancy. The tenants have vacated the rental unit and the landlord has regained possession. The landlord has filed an Application for Dispute Resolution which is due to be heard on August 11, 2014 seeking a monetary order and an Order for Possession. The representative of the tenant stated his clients have not been served and the landlord provided him with the access code for that hearing.

Analysis

As the tenants have vacated the rental unit and the landlord regained possession I determined the issue of whether the tenants are entitled to an order to cancel the 10 day notice is moot. As a result I ordered that the application of the tenants to cancel the 10 day Notice be dismissed as moot.

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 07, 2014

Residential Tenancy Branch

