



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AFFORDABLE HOUSING CHARITABLE ASSOCIATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNQ

Introduction

The tenant filed an application for dispute resolution on August 8, 2018, under the *Residential Tenancy Act* (the “Act”) and sought to cancel a 2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit, pursuant to section 49.1 of the Act.

This is my decision in respect of the tenant’s application.

A dispute resolution hearing was convened on October 2, 2018, and the tenant, the tenant’s advocate, and the landlord’s representative (the “landlord”) attended the hearing, were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

I have only reviewed and considered relevant oral and documentary evidence pertaining to the preliminary issue of this application.

Preliminary Issue: Previous Decision and Order of Possession

At the beginning of the hearing, the landlord advised me that there was a separate dispute resolution at which the tenant had disputed a One Month Notice to End Tenancy for Cause, and from which a Decision and an Order of Possession had been issued. (That file number is referenced on this Decision’s cover page.)

That hearing was held on September 13, 2018, and a decision was issued on September 14, 2018. The decision dismissed the tenant's application to cancel the One Month Notice to End Tenancy for Cause, and granted an order of possession to the landlord.

A review consideration was then held, from which a Review Consideration Decision was issued on September 30, 2018. The Review Consideration Decision upheld the arbitrator's decision and order of possession of September 14, 2018.

Neither party had yet received the Review Consideration Decision at the time of today's hearing, so I spent a few minutes reading the conclusion of the decision to the parties, and to the tenant's interpreter. Shortly thereafter, the tenant's advocate explained to the tenant that because of the Review Consideration Decision (that is, the arbitrator's decision and order of possession were upheld), the present application and issue therein are rendered moot.

Conclusion

As the tenancy to which this application is concerned is ended, I dismiss the application 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 Act.

Dated: October 2, 2018

Residential Tenancy Branch