



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FFT

Introduction

In this dispute, the tenants had sought an order cancelling a One Month Notice to End Tenancy for Cause (the “Notice”) under section 47 of the *Residential Tenancy Act* (the “Act”). In addition, they sought to recover the filing fee under section 72 of the Act.

The tenants filed an application for dispute resolution on August 28, 2020 and a dispute resolution hearing was held on October 9, 2020. The landlords and the tenants attended the hearing and were given a full opportunity to be heard, present testimony, make submissions, and call witnesses. No issues of service were raised by the parties.

Preliminary Issue: Tenancy Has Ended

At approximately 40 minutes into the hearing, after both parties had completed (or were about to complete) their respective testimony and submissions, the tenants stated that they had vacated the rental unit on August 29, 2020.

Given that the tenancy ended on August 29, 2020, the issues which may have given rise to the tenants’ filing of their application for dispute resolution are rendered moot. That is, whatever the alleged grounds were on which the landlords served the Notice are irrelevant.

As I explained to the parties, in a dispute resolution of this nature – that is, where a tenant disputes a notice to end a tenancy by a landlord – there are only two outcomes: (1) the notice is upheld, the tenancy is ended, and the landlord is granted an order of possession, or (2) the notice is cancelled and the tenancy continues. In this dispute, given that the tenants have since vacated the property, the potential outcomes of such a dispute are moot. For this reason, I dismiss the application without leave to reapply.

However, as I noted during the hearing, both parties remain at liberty to make an application for dispute resolution if there remain unresolved monetary or compensation-related issues. Pursuant to section 60 of the Act, the parties have two years from August 29, 2020 in which they may pursue any such claim.

Conclusion

The tenants' application is dismissed without leave to reapply.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: October 9, 2020

Residential Tenancy Branch