



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, RR, RP, LA, OLC, FFT

Introduction

On October 8, 2020, the Tenants made an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The Tenants also applied for the following relief:

- *To suspend or set conditions on the Landlords right to enter the rental unit.*
- *For a rent reduction for repairs, services or facilities not provided.*
- *For an order for the Landlord to perform repairs to the rental unit.*
- *To authorize the Tenant to change the locks to the unit.*
- *For an order for the Landlord to comply with the Act, Regulation, or tenancy agreement.*

This matter was set for hearing by telephone conference call. The Landlord and Tenants attended the hearing. The Landlord and Tenants were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

At the start of the hearing the Tenants application/ claims were reviewed with the parties. The Tenant testified that they vacated the rental unit on December 1, 2020 and stated that the Tenants are not seeking to return to the rental unit. The Tenants testified that the Landlord have repaid the \$100.00 cost for the filing fee.

The Landlord provided testimony confirming that the Tenants vacated the rental unit on December 1, 2020.

The Tenants vacated the rental unit prior to the hearing for their dispute of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. Based on the testimony before me I

find that the tenancy has ended in accordance with section 44 of the Act when the Tenants vacated the rental unit on December 1, 2020.

Since the tenancy has ended and the Tenants are not seeking to return to the rental unit, I find that there is no need to determine whether or not the tenancy will end based on issuance of a 10 Day Notice due to a fundamental breach of the tenancy agreement regarding payment of rent. In addition, since the tenancy has ended there is no need to consider the Tenants other claims for repairs; right of entry; locks; and a rent reduction.

The Tenants' application is dismissed in its entirety.

Since the rental unit has been vacated the Landlord did not need; and was not issued an order of possession for the rental unit

Conclusion

The Tenants vacated the rental unit prior to the hearing for their dispute of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

The Tenants' application is dismissed in its entirety.

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: December 18, 2020

Residential Tenancy Branch