



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ERP, FFT

### Introduction

The tenant applied for an order for emergency repairs pursuant to sections 33 and 62 of the *Residential Tenancy Act* ("Act"), in addition to a claim for recovery of the filing fee.

Both parties attended the hearing on January 15, 2021, which was held by teleconference. The landlord advised me that the tenants are no longer tenants and have been removed from the rental unit; the tenant confirmed that this was the case.

### Preliminary Issue: Tenancy Has Ended

To provide some context for this dispute, the landlord made a direct request application on November 13, 2020. That application was withdrawn on December 8, 2020. The file number for this file is noted on the cover page.

On December 8, 2020, the landlord made a second direct request application seeking an order of possession and a monetary order. The file number for the direct request application is also included on the cover page. An adjudicator granted the order of possession and a monetary order on January 5, 2021, along with a decision. The tenants made an application for review consideration, and the review consideration decision dated January 12, 2021 upheld the decision and orders of January 5, 2021. The decision of January 5, 2021 found that the tenancy ended on November 17, 2020.

Given the above, and taking into consideration the previous adjudicator's finding that the tenancy ended November 17, 2020, the review consideration arbitrator's upholding of that finding, and the parties' confirmation in today's hearing that the tenants no longer reside in the rental unit, I find that the present application – in which the tenants had sought an order for emergency repairs – is moot. Accordingly, I dismiss the tenants' application without leave to reapply.

As explained during the hearing, however, the tenants remain at liberty to make an application for dispute resolution seeking compensation against the landlord, and the tenants' remedy in respect of other issues is to make an application for judicial review pursuant to the *Judicial Review Procedure Act*, RSBC 1996, c. 241.

### Conclusion

Per above, 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: January 15, 2021

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Residential Tenancy Branch