



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR OLC PSF

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The tenant applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice), for an order directing the landlord to comply with the Act, regulation or tenancy agreement and to provide services or facilities agreed upon but not provided.

The tenant attended the teleconference hearing. The tenant gave affirmed testimony and confirmed that as of November 2021 the tenant vacated the rental unit.

Preliminary and Procedural Matters

The tenant was informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The tenant was also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the tenant was informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The tenant did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition, the tenant confirmed their email address at the outset of the hearing and stated that they understood that the decision would be emailed to them.

As the tenant has vacated the rental unit since filing their application, find this application is now moot.

While the tenant claims they filed a monetary claim, I find the tenant did not formally amend their application and as a result, the tenant has liberty to apply for such a claim.

This decision does not extend any applicable timelines under the Act.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I find this application is now moot as the tenant vacated the rental unit since filing their application.

As the filing fee was waived, it is not granted.

Conclusion

This application is now moot and is dismissed without leave as a result.

The filing fee was already waived.

This decision will be emailed to the tenant and sent by regular mail to the landlord.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: January 17, 2022

Residential Tenancy Branch