



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: CNC, FF

Introduction

This application was brought by the tenants seeking to have set aside a Notice to End Tenancy for cause served on August 1, 2008 and recovery of the filing fee for this proceeding.

As a preliminary matter, I advised the landlord that section 47(2) of the Act requires that Notice to End Tenancy for cause must set an end of tenancy date no sooner than one full month after the next day on which rent is due. Accordingly, I amended the end of tenancy date from September 1, 2008 to September 30, 2008 as instructed by section 53 of the *Act*.

As the hearing progressed, the tenants advised that they have given notice to end the tenancy for September 30, 2008 in any case. The landlord concurred and requested nothing further from the hearing. Consequently, the application is dismissed without leave to reapply as the issue in dispute had been rendered moot and I decline to award the applicants' filing fee.

September 10, 2008
