

Dispute Codes: CNL OLC FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

This is the Tenants’ application to cancel a Notice to End Tenancy for Landlord’s Use of Property; an Order that the Landlord comply with the Act, regulation or tenancy agreement, and to recover the cost of the filing fee from the Landlord.

I reviewed the evidence provided prior to the Hearing. The Tenant gave affirmed testimony and the Hearing proceeded on its merits.

Preliminary Matter

At the onset of the Hearing, the Tenant advised that the Tenants will be vacating the rental unit on August 31, 2009. Therefore, the Tenant withdrew her application to cancel the Notice to End Tenancy and asked for an order that the Landlord return the post-dated cheques provided by the Tenants.

Analysis

It follows that a landlord is not entitled to rent from a prior tenant once the tenancy has ended. Section 51 of the Act states that a tenant who receives a Notice to End Tenancy under section 49 of the Act is entitled to receive from the landlord, on or before the effective date of the end of tenancy, an amount that is equivalent to one month’s rent.

The Tenant withdrew her application to cancel the Notice to End Tenancy and is not entitled to recover the cost of the filing fee from the Landlord.

The Tenants’ application is therefore dismissed in its entirety, without leave to reapply.

Conclusion

The Tenants’ application is dismissed without leave to reapply.

Dated: August 27, 2009.
