

DECISION

Dispute Codes: CNR and FF

Introduction

This application was brought by the tenant seeking to have set aside a Notice to End Tenancy for unpaid rent dated November 1, 2009 and recovery of the filing fee for this proceeding.

Despite having been served with the Notice of Hearing, the landlord did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, the hearing proceeded in his absence.

Issue(s) to be Decided

This matter requires a decision on whether the Notice to End Tenancy of November 1, 2009 should be upheld or set aside.

Background and Evidence

At the commencement of the hearing, the tenant advised that this tenancy had been the subject of a hearing on November 30, 2009 in which the parties had reached a mutual agreement to end the tenancy on December 31, 2009. The Dispute Resolution Officer issued an Order of Possession in support of the agreement.

Analysis

As the parties have already agreed to end the tenancy on December 31, 2009, I find that the present application is moot and I need not evaluate it on its merits..

Therefore, I find that the tenant must remain responsible for her own filing fee.

Conclusion

The application is dismissed without leave to reapply on the grounds that it is moot because the parties mutually agreed to end the tenancy in a previous hearing and there is an existing Order of Possession for December 31, 200.