

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenants and the landlord's agent.

### Issues(s) to be Decided

The issue to be decided is whether the tenant is entitled to cancel a 1 Month Notice to End Tenancy for Cause, pursuant to sections 47 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The tenant submitted the following documents into evidence:

- A copy of a 1 Month Notice to End Tenancy for Cause dated either December 1, 2009 or January 1, 2010 with an effective vacancy date of January 31, 2010 citing non-compliance with an order under the legislation within 30 days after the tenant received the order or the date in the order;
- A copy of a letter to the landlord from the local municipal building department dated December 17, 2009 advising the landlord he must end the occupancy of the lower floor as a separate dwelling;

The tenant indicated that they were no longer living in the rental unit as they had been ordered out in February due to unpaid rent.

The landlord confirmed that the tenants had vacated due to a previous Dispute Resolution Decision.

### Conclusion

As the tenants no longer live at this location there is no need to cancel a notice to end the tenancy, as such, I dismiss their application without leave to reapply.

This decision 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: March 05, 2010.

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Dispute Resolution Officer