

## **DECISION**

Dispute Codes      CNC, FF, O

### Introduction

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

The hearing was conducted via teleconference and was attended by the landlord and the tenant. The landlord had arranged for a witness but the witness was not called into the hearing.

During the hearing I asked the tenant for clarification of why she had marked "other" on her Application. The tenant testified that she had marked it at the suggestion of the Information Officer, but did not have any other issue.

### Issues(s) to be Decided

The issues to be decided are whether the tenants are entitled to cancel a 1 Month Notice to End Tenancy for Cause; to a monetary order to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to sections 47, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

In her testimony, the landlord indicated that the rental unit was now vacant. I confirmed with the tenant that she had moved out on February 28, 2010.

### Conclusion

As the tenants' Application for Dispute Resolution was solely to cancel the notice and recovery of the filing fee and since the tenant has already vacated the rental unit, I dismiss the tenants' application, in its entirety 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 12, 2010.

---

Dispute Resolution Officer