



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This was the second reconvened hearing dealing with the Tenant's Application for Dispute Resolution to cancel a One Month Notice to End Tenancy for Cause.

This Decision should be read in conjunction with my earlier Decisions of July 15, 2011, and July 29, 2011.

All parties appeared and were ready to proceed. However, upon query, the Tenant stated that she had vacated the rental unit, on or about August 30, 2011, and therefore the tenancy had ended.

However, the Tenant stated she wanted to proceed in order to rebut the Landlords' allegations contained in their evidence and testimony.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence **relevant** to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

Is the Tenant entitled to an Order cancelling the One Month Notice to End Tenancy for Cause and to recover the filing fee?

Background and Evidence

The Tenant in general denied the Landlords' allegations, that she seriously jeopardized the health and safety or lawful right of another occupant or the landlord or put the landlord's property at significant risk, as it pertains to the Tenant's comments towards the Landlords' sons.

The Tenant submitted a significant amount of evidence, and elected to stand by this evidence in consideration of her request for recovery of the filing fee.

Analysis

Based on the above testimony and evidence, and on a balance of probabilities, I find as follows:

As explained to the Tenant, the purpose of her application was to seek continuation of the tenancy. I find that it is no longer necessary to consider the Tenant's application seeking cancellation of the Notice to End the Tenancy, as the tenancy has now ended with the Tenant vacating the rental unit.

As the Tenant in effect withdrew her application by voluntarily ending the tenancy, I decline to award her the filing fee.

Conclusion

For the above reasons, I **dismiss** the Tenant's application, **without leave to reapply**.

I make no findings on the merits of the Landlords' allegations in support of their Notice to End Tenancy or of the Tenant's defence in ending the tenancy.

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: September 07, 2011.

Residential Tenancy Branch