



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to cancel a notice to end tenancy for unpaid rent and to recover the cost of the filing fee from the Landlord for this application.

The parties appeared at the teleconference hearing and gave affirmed testimony. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

1. Have the Tenants met the burden of proof to have the 10 Day Notice to end tenancy cancelled?

Background and Evidence

At the outset of the hearing the parties affirmed the Tenants vacated the property.

The Tenants advised that they vacated the property as of April 7, 2012 and they have not provided the Landlord with their forwarding address; rather they have arranged to have their mail forwarded through Canada Post.

Analysis

The Tenants have already vacated the property, ending the tenancy as of April 7, 2012, pursuant to section 44(1)(d) of the Act. Therefore the matters pertaining to this application are no longer required.

As the Tenants vacated the property I find they are not entitled to recover their filing fee.

Conclusion

No decisions on fact or law have been made as this tenancy ended prior to the hearing.

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: May 03, 2012.

Residential Tenancy Branch