



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Dorset Realty Group Canada Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction and Preliminary Matter

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act"). The tenant applied for an order cancelling a 1 Month Notice to End Tenancy for Cause (the "Notice") and for recovery of the filing fee.

The tenant's agent and the landlord's agent attended the telephone conference call hearing, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process.

Thereafter all parties gave affirmed testimony, were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

At the outset of the hearing, neither party raised any issues regarding service of the application or the evidence.

At the conclusion of the testimony from both parties, the tenant's agent disclosed that the tenant had vacated the rental unit on March 31, 2014, and the landlord's agent confirmed this date. The tenant's agent stated that the only remaining issue was recovery of the filing fee.

Analysis and Conclusion

The purpose of the tenant's application was to conduct a hearing in order to allow the tenancy to continue.

Even though a full hearing was conducted on the merits of the landlord's Notice and the tenant's response to the Notice, the hearing would not have taken place had either party disclosed that the tenant had vacated the rental unit the month prior to the hearing.

I find that, in effect, the tenant had abandoned her application seeking cancellation of the 1 Month Notice, as, of the date of the hearing, the tenant no longer sought an order cancelling the Notice, due to her vacating the rental unit.

I therefore decline to award the tenant recovery of the filing fee, which is a discretionary monetary award under section 72(1) of the Act.

Due to the above, I dismiss the tenant's application seeking cancellation of the 1 Month Notice and for recovery of the filing fee.

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: April 25, 2014

Residential Tenancy Branch

