



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC, FF

Introduction

This hearing dealt with an application by the tenant to cancel a One Month Notice to End Tenancy For Cause (the Notice), dated June 30, 2014, and served July 01, 2014 with an automatically adjusted effective date of August 31, 2014 [Section 53 – Residential Tenancy Act (the Act)].

Both parties attended the conference call hearing and provided their testimony.

Issue(s) to be Decided

Is the notice to end tenancy valid and issued for valid reasons?
Should the Notice to End dated June 30, 2014 be set aside?

Background and Evidence

In this type of application, the onus is on the landlord to provide compelling evidence that the Notice was validly issued for the stated reasons. By their application the tenant disputed the Notice to End, but since vacated from the unit August 31, 2014: moving all of their belongings. The tenant testified they determined to act on the landlord's Notice and move rather than risk a possible unfavourable Decision through this hearing process.

Analysis

In light of the change in circumstances I find that the tenant effectively is *cancelling* their application disputing the landlord's Notice. As a result of the tenant's end to the tenancy, possession of the unit, by default, has reverted back to the landlord and the issue of Possession respecting the unit is mute. I find the tenant's application is now without force and **I dismiss** it in its entirety.

Conclusion

The tenant's application **is dismissed**, without leave to reapply.

This Decision is final and binding on both parties.

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 08, 2014

Residential Tenancy Branch

