



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAIN STREET EQUITY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenants to cancel a 1 Month Notice to End Tenancy for Cause (the “Notice”).

Both Tenants appeared for the hearing and provided affirmed testimony. However, there was no appearance for the Landlord.

The Tenants testified that they had moved out of the rental suite since making their Application to cancel the Notice. As a result, I informed the Tenants that there were no findings for me to make on their Application to cancel the Notice as the tenancy had now ended and the rental suite had been vacated.

The Tenant requested the return of the filing fee as he submitted that the Notice was not justified and proven. However, as the Tenants had voluntarily moved out and decided not to exercise their right and remedy under the Act to cancel the Notice, I find that the Landlord cannot be held responsible for the Tenant’s filing fee, which I hereby dismiss.

Conclusion

For the above reasons, The Tenants’ Application is dismissed.

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: December 04, 2014

Residential Tenancy Branch

