



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THE BEVERLEY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC CNC MNDC MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* (the Act). However, the landlord cancelled their hearing as the tenant vacated.

This hearing also dealt with an application by the tenant pursuant to the Act for orders as follows:

- a) To cancel a Notice to End Tenancy for cause; and
- b) To recover the filing fee for this application.

SERVICE:

I find the parties were properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated November 27, 2014 for cause and vacated. The tenant said she had no notice from the landlord that their file had been cancelled but since she had moved, she no longer was requesting to cancel the Notice to End Tenancy for cause.

Background and Evidence:

Only the tenant attended and stated she no longer required to cancel the notice to end tenancy as she had moved. The landlord had cancelled their hearing today by contacting the Residential Tenancy Branch but the tenant said she did not know that. She enquired about the security deposit and I advised her to provide her new address to the landlord in writing and then consult section 38 of the Act regarding her rights.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

All issues regarding the Notice to End Tenancy for cause have been resolved by the parties as the tenant vacated. No other issues were raised in the hearing as the landlord had noted when they cancelled their file that they may pursue the other issues at another time.

The matter of the security deposit was not raised in the Application so not considered as the tenant has yet to provide her forwarding address in writing to the landlord. She was advised to read section 38 of the Act for information on the return of the security deposit.

Conclusion:

The Application of the landlord is cancelled and the Application of the tenant 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: January 07, 2015

Residential Tenancy Branch

