



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TRIPLE E ENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPE OPR MNR FF
CNR FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the Landlord and the Tenant.

The Landlord filed on February 12, 2015, seeking an Order of Possession for end of employment; an Order of Possession for unpaid rent; and a Monetary Order for unpaid rent or utilities and to recover the cost of the filing fee from the Tenant for his application.

The Tenant filed on February 11, 2015, to cancel a 10 Day Notice to end tenancy for unpaid rent or utilities and to recover the cost of the filing fee from the Landlord for his application.

The hearing was conducted via teleconference and was attended by the Landlord and the Tenant.

Issue(s) to be Decided

1. Do the parties wish to proceed with their applications as filed?
- 2.

Background and Evidence

The Tenant signed into the teleconference hearing at the scheduled time and submitted affirmed evidence that he had vacated the property on or about March 2, 2015.

The Landlord signed into the teleconference hearing six minutes after the hearing had started and submitted that he woke up Saturday morning and found that the Tenant had vacated the property. The Landlord stated that he was withdrawing his application as it was originally for an eviction and the Tenant has moved out.

Analysis

The undisputed evidence was that the Tenant has vacated the property. Therefore the Tenant's application to cancel the eviction Notice was now moot. Accordingly, I dismiss the Tenant's application, without leave to reapply, and I decline to award recover of the Tenant's filing fee.

The Landlord withdrew his application. Therefore, I decline to award recovery of the Landlord's filing fee.

Conclusion

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

The Landlord's application was withdrawn.

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: March 09, 2015

Residential Tenancy Branch

