



# 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 from both individuals identified as tenants pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The male tenant (the tenant) confirmed receipt of both the 1 Month Notice delivered to him by hand on August 24, 2015, and a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) handed to him on September 8, 2015. The landlord's agent confirmed that the landlord received a copy of the application for dispute resolution and dispute resolution hearing package from the Applicants on or about August 27, 2015.

### Preliminary Issues

At the commencement of the hearing, the tenant testified that he moved out of the rental unit the night before this hearing. Although he was uncertain as to whether he left the key with the landlord, he said that he will do so later on the day of the hearing if he still has a key. Since the tenant has vacated the rental unit, the tenant withdrew the application for dispute resolution.

The landlord's agent confirmed that the landlord has already received an Order of Possession issued to the landlord on September 18, 2015, as a result of a Direct Request Proceeding initiated by the landlord on the basis of the 10 Day Notice. He said that this Order of Possession was not served to the tenant. Since the tenant has apparently vacated the rental unit, the landlord's agent said that it was not necessary to obtain an Order of Possession for cause based on the 1 Month Notice.

The application for dispute resolution is hereby withdrawn as this tenancy has ended and the landlord has already received an Order of Possession issued on September 18, 2015.

Conclusion

This application is withdrawn. Since the application is withdrawn and the issue raised in the application is moot, I make no order with respect to the recovery of the filing fee.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: September 21, 2015

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Residential Tenancy Branch

