



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the landlord: OPR MNR

For the tenants: CNR FF

Introduction

This hearing was convened as a result of the cross applications of the parties for dispute resolution under the *Residential Tenancy Act* (the “Act”).

The landlord applied for an order of possession for unpaid rent or utilities, and for a monetary order unpaid rent or utilities.

The tenants to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”) dated November 12, 2015, and to recover the cost of the filing fee.

The tenants attended the teleconference hearing scheduled for this date, Tuesday, January 12, 2016 at 11:00 a.m., Pacific Time. The landlord did not attend the hearing. As the landlord did not attend the hearing to present the merits of their application, and the tenants did attend and were ready to proceed, the landlord’s application was **dismissed, without leave to reapply**, after the 10 minute waiting period had elapsed.

The tenants testified that they vacated the rental unit on December 27, 2015 and returned the rental unit keys on December 28, 2015. As a result, I find that the tenants’ application is now moot as the tenancy ended when the tenants vacated the rental unit and returned the rental unit keys on December 28, 2015.

Conclusion

The landlord’s application is dismissed in full without leave to reapply.

The tenants' application is now moot as the tenants have vacated the rental unit and returned the rental unit keys as of December 28, 2015, and the tenancy ended effectively when the tenants vacated the rental unit and returned the keys.

The tenants decided to waive the recovery of the cost of their filing fee.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 12, 2016

Residential Tenancy Branch

