



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPB CNC MNDC FF

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- an order of possession based on a breach of an agreement pursuant to section 55;
- authorization to recover the filing fee for this application pursuant to section 72.

Tenant:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing. There were no issues raised with respect to the service of the respective applications.

Preliminary Issue – End of Tenancy and cancellation of landlord’s application.

At the outset of the hearing, the landlord advised he was cancelling his application as the tenants vacated the rental unit on August 30, 2017. The landlord also has since returned the tenants security deposit and pet deposit in full which formed part of the tenants’ application for monetary compensation. Hence, the only outstanding issue left to resolve was the tenants’ application to recover the filing fee and other costs associated with filing the application.

As the tenants have voluntarily vacated the rental unit prior to today’s hearing, their application to cancel the 1 Month Notice is now a moot point and I make no finding on

the merits of this application. Accordingly, the tenants are not entitled to recover the filing fee for their application or any other costs associated with the filing of the application.

Conclusion

The tenants' application is dismissed in its entirety without leave to reapply.

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 12, 2017

Residential Tenancy Branch