



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause, dated November 20, 2018 and for the recovery of the filing fee. The notice of hearing was served on the landlord by registered mail on December 11, 2017. The tenant provided a tracking number and a copy of the tracking history that indicated that the landlord picked up the package on December 13, 2017.

Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

At the outset of the hearing, the tenant informed me that he was moving out on February 28, 2018. Since the tenant has applied to cancel the notice to end tenancy but plans to move out, his application is moot and accordingly dismissed. The tenant's application to dispute the notice was unnecessary because he decided to move out and therefore he must bear the cost of filing this application.

Conclusion

The tenant's application 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: February 09, 2018

Residential Tenancy Branch