



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This teleconference hearing was scheduled in response to an application by the Tenants under the *Residential Tenancy Act* (the “*Act*”) to cancel a One Month Notice to End Tenancy for Cause (the “One Month Notice”).

Three agents for the Landlord were present for the teleconference hearing, as was one Tenant and an advocate for the Tenants. All parties were affirmed to be truthful in their testimony.

The agents for the Landlord confirmed that they received the Notice of Dispute Resolution Proceeding package, along with copies of the Tenants’ evidence by registered mail.

The Tenant testified that he did not receive copies of the Landlord’s evidence, however the agents for the Landlord confirmed that the evidence was sent by registered mail. The registered mail tracking information submitted by the Landlord confirms that the mail was delivered, but unclaimed. I accept that the Landlord’s evidence was served to the Tenants in accordance with the *Act*, despite being unclaimed.

Issues to be Decided

Should the One Month Notice to End Tenancy for Cause be set aside?

If the One Month Notice to End Tenancy for Cause is upheld, should an Order of Possession be granted to the Landlord?

Background and Evidence

At the outset of the hearing, the agents for the Landlord testified that the Tenants moved out of the rental unit on July 2, 2018. The Tenant confirmed that they have moved out of the rental unit.

Analysis

As the Tenants applied to cancel a One Month Notice, but have moved out of the rental unit, I find there is no longer a notice to end tenancy in dispute. As this tenancy has already ended, I dismiss the Tenants' application without leave to reapply.

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: July 18, 2018

Residential Tenancy Branch