



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KANDOLA VENTURES INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC FFL  
                                CNR

### Introduction

This teleconference hearing was scheduled in response to cross-applications for Dispute Resolution under the *Residential Tenancy Act* (the “Act”). The Landlord applied for an Order of Possession based on a One Month Notice to End Tenancy for Cause (the “One Month Notice”) and the recovery of the filing fee paid for this application. The Tenants applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”).

Two agents for the Landlord were present on the teleconference hearing, while no one called in for the Tenants. As the agents for the Landlord stated at the outset of the hearing that the tenancy had already ended, no further testimony was needed to make a decision on both applications.

### Issues to be Decided

Is the Landlord entitled to an Order of Possession based on a One Month Notice to End Tenancy for Cause?

Should the Landlord be awarded the recovery of the filing fee paid for the Application for Dispute Resolution?

Should the 10 Day Notice to End Tenancy for Cause be set aside?

If the 10 Day Notice is upheld, is the Landlord entitled to an Order of Possession?

### Background and Evidence

At the outset of the hearing, an agent for the Landlord confirmed that both Tenants had moved out of the rental unit and had returned the keys to the Landlord.

The agents for the Landlord also confirmed during the hearing that they are no longer requesting an Order of Possession as they have possession of the rental unit back.

### Analysis

The Landlord applied for an Order of Possession on a One Month Notice and the Tenants applied to cancel a 10 Day Notice. I accept the testimony of the agents for the Landlord that the tenancy has already ended. Therefore, I find that the One Month Notice and the 10 Day Notice are no longer in dispute. As such, I dismiss both applications without leave to reapply.

As the Landlord's application is dismissed, I decline to award the recovery of the filing fee paid for their application.

### Conclusion

As the tenancy has already ended, the Landlord's and the Tenants' applications are both dismissed 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 26, 2018

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Residential Tenancy Branch