



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) to cancel a One Month Notice to End Tenancy for Cause (the “One Month Notice”), and for the recovery of the filing fee paid for this application.

The Landlord and a family member of the Landlord (the “Landlord”) were present for the teleconference hearing, as was the Tenant and the Tenant’s spouse (the “Tenants”). At the outset of the hearing, the parties confirmed that the Tenants had moved out of the rental unit.

Issues to be Decided

Should the One Month Notice be cancelled?

If the One Month Notice is upheld, is the Landlord entitled to an Order of Possession?

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

Background and Evidence

The parties confirmed that the Tenants had already moved out of the rental unit. Although the Tenants indicated their desire to discuss the security deposit at this hearing, they were advised that only the matters on the current Application for Dispute Resolution could be heard.

Analysis

As the Tenants have moved out of the rental unit, I find that there is no longer a One Month Notice in dispute. The parties are at liberty to file a new Application for Dispute Resolution should there be any outstanding issues remaining from this tenancy.

As the tenancy has ended, I dismiss the Tenant's Application to cancel the One Month Notice, without leave to reapply. As the Application was dismissed, I decline to award the recovery of the filing fee paid for the Application for Dispute Resolution.

Conclusion

The tenancy has already ended and therefore the Tenant's Application is 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: October 02, 2018

Residential Tenancy Branch