



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SURFSIDE HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

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.

An agent for the Landlord (the “Landlord”) was present for the teleconference hearing, while no one called in for the Tenant. The phone line was kept open for 10 minutes, and the Tenant did not call in during this time.

At the outset of the hearing, the Landlord stated that the Tenant had moved out of the rental unit and therefore there is no longer a One Month Notice in dispute. Prior to the hearing, the Landlord submitted written permission for the Tenant to cancel the hearing. However, no notification to cancel the hearing was received from the Tenant who filed the Application for Dispute Resolution.

Issues to be Decided

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

If the One Month Notice to End Tenancy for Cause 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

As the Landlord confirmed at the outset of the teleconference that the Tenant had moved out and there is no longer a One Month Notice in dispute, the hearing did not continue.

Analysis

I find that this Application for Dispute Resolution has been abandoned and as the tenancy has ended, the Application is dismissed without leave to reapply.

In accordance with Section 55 of the *Act*, if a tenant's Application to dispute a notice to end tenancy is dismissed, the landlord may be granted an Order of Possession. However, I accept the testimony of the Landlord that there is no longer a One Month Notice in dispute and therefore, an Order of Possession will not be granted.

Conclusion

This Application for Dispute Resolution 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 10, 2018

Residential Tenancy Branch