



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Tenant: CNC CNR FFT
Landlord: OPN FFL

Introduction

This hearing dealt with applications from both the tenant and the landlord pursuant to the *Residential Tenancy Act* (the *Act*).

The tenant applied for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice) pursuant to section 46 of the *Act*;
- cancellation of the landlord's One Month Notice to End Tenancy for Cause (One Month Notice) pursuant to section 47 of the *Act*; and
- recovery of the filing fee for this application from the landlord pursuant to section 72 of the *Act*.

The landlord applied for:

- an Order of Possession on the basis of the tenant's Notice to End Tenancy pursuant to section 55 of the *Act*; and
- recovery of the filing fee for this application from the tenant pursuant to section 72 of the *Act*.

Both parties attended the hearing. The landlord's agent attended on behalf of the landlord.

At the outset of the hearing, the tenant confirmed that he had given notice to end tenancy and moved out effective December 15, 2018. The tenant agreed that an Order of Possession be provided to the landlord as the tenant no longer resided at the rental unit and no longer had any personal belongings remaining at the rental unit.

As such, I find that the tenant's applications to cancel the landlord's notices to end tenancy are now moot and dismissed without leave to reapply.

Although no longer required as the tenant confirmed that he moved out of the rental unit, the landlord is provided with an Order of Possession as confirmation that the tenancy has ended.

As this was a cross-application where both parties paid a filing fee for their applications and sought to recover the cost of it from the other, I find that both parties must bear the cost of their own filing fee.

Conclusion

The tenant's application is dismissed as moot as the tenant moved out of the rental unit prior to the hearing. The landlord is provided with an Order of Possession as confirmation that the tenancy has ended.

Both parties must bear the costs of their own filing fee.

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: December 27, 2018

Residential Tenancy Branch