



# Dispute Resolution Services

Page: 1

## Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding PCPM LTD. AS AGENT FOR COUNTESS GARDENS INC.  
and [tenant name suppressed to protect privacy]

### **DECISION**

Dispute Codes FFL OPC // CNC MT

#### Introduction

This hearing dealt with two applications pursuant to the *Residential Tenancy Act* (the “**Act**”). The landlord’s for:

- an Order of Possession pursuant to section 55; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

And the tenants’ for:

- cancellation of the landlord’s One Month Notice to End Tenancy for Cause (the “**Notice**”) pursuant to section 47; and
- more time to make an application to cancel the Notice pursuant to section 66.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 9:40 am in order to enable the tenants to call into this hearing scheduled for 9:30 am. The landlord’s agent attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notices of Hearing. I also confirmed from the teleconference system that the landlord’s agent and I were the only ones who had called into this teleconference.

The landlord’s agent testified that tenants have moved out of the rental unit, and that the landlord no longer required the relief sought. I accept this evidence. As such, the relief the tenants are seeking in their application (to cancel the Notice) is no longer required.

Accordingly, I dismiss the landlord’s application without leave to reapply and I dismiss the tenants’ application with 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 29, 2019

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Residential Tenancy Branch