



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction and Preliminary Matters

On August 29, 2019, the Tenant applied for a Dispute Resolution proceeding seeking to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to Section 47 of the *Residential Tenancy Act* (the “Act”).

Both the Tenant and the Landlord attended the hearing. All in attendance provided a solemn affirmation.

The Tenant advised that he served the Notice of Hearing package by registered mail; however, he was unsure of the date he mailed this. The Landlord confirmed receipt of this package on or around early September 2019. Based on this undisputed testimony, and in accordance with Sections 89 and 90 of the *Act*, I am satisfied that the Landlord was served the Notice of Hearing package.

The Landlord advised that the Tenant had given up vacant possession of the rental unit in early September 2019. The Tenant confirmed that he gave up vacant possession of the rental unit but it was prior to September 2019.

As the Tenant has given up vacant possession of the rental unit on or around the effective date of the Notice, I am unable to consider the validity of the Notice. In addition, I am satisfied that it is not necessary to consider the issuance of an Order of Possession.

Conclusion

As the Tenant has given up vacant possession of the rental unit already, I dismiss the Tenant's Application 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 25, 2019

Residential Tenancy Branch