



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

On January 4, 2020, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking to cancel a One Month Notice to End Tenancy for Cause dated December 24, 2019, (“the One Month Notice”).

The Landlord and Tenant appeared at the hearing.

Preliminary and Procedural Matters

The Tenant was asked if he is still living in the rental unit and he replied “no” and stated that he moved out of the rental unit prior to this hearing.

The Tenant asked to withdraw his application to dispute the One Month Notice to End Tenancy for Cause.

The Landlord was asked if he had any questions or concerns and he replied “no”.

Issue to be Decided

- Is the Landlord entitled to an order of possession for the rental unit?

Analysis

Section 44 of the Act provides that a tenancy ends if the tenant vacates or abandons the rental unit.

I find that the tenancy ended when the Tenant moved out of the rental unit prior to the hearing on whether or not the tenancy should end based on a One Month Notice to End Tenancy for Cause.

Since the tenancy has already ended, there is no need to consider the Tenant's application.

The Tenant's application to cancel the One Month Notice dated December 24, 2019 is withdrawn and is dismissed.

Under section 55 of the Act, when a Tenant's application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

Since the Tenant has moved out the Landlord does not need an order of possession for the rental unit. An order of possession was not issued to the Landlord.

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. As the Tenant withdrew the application, I decline an order for the Landlord to repay the \$100.00 fee that the Tenant paid to make application for dispute resolution.

Conclusion

The tenancy ended prior to the hearing.

The Tenant withdrew his application to dispute the One Month Notice to End Tenancy for Cause dated December 24, 2019. The Tenant's application is dismissed.

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: March 12, 2020

Residential Tenancy Branch