



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FFT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act). The tenant applied to cancel a 4 Month Notice to End Tenancy or Landlord's Use of Property dated March 17, 2020 (4 Month Notice) and to recover the cost of the filing fee.

The tenant attended the teleconference hearing. The tenant was affirmed. As the landlord did not attend the hearing, the tenant was asked how they served the Notice of Dispute Resolution Proceeding document dated April 2, 2020 (Notice of Hearing), and the application and documentary evidence on the landlord. The tenant provided a registered mail receipt in evidence, which supports that the landlord had the registered mail package mailed on April 3, 2020 and it was delivered on April 6, 2020. As a result, I find the landlord was served on April 6, 2020, which is also supported by the fact the landlord submitted documentary evidence in response to the application.

Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matter

At the outset of the hearing, the tenant requested to withdraw their application in full as the tenant testified they have vacated the rental unit and returned the rental unit keys to the landlord on May 23, 2020. As the landlord did not attend the hearing to object to the withdrawal, I grant the tenant the withdrawal of their application as I find this matter is now moot as the tenant stated that they vacated the rental unit.

The tenant is at liberty to reapply, if necessary. This decision does not extend any applicable time limits under the Act.

Conclusion

The tenant's application was withdrawn in full during the hearing.

The tenant is at liberty to reapply, if necessary. This decision does not extend any applicable time limits under the Act.

I do not grant the filing fee as the tenant vacated the rental unit before the hearing.

This decision will be emailed to both parties at the email addresses provided by the tenant for the parties in their application.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: May 25, 2020

Residential Tenancy Branch