



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, FFT**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order to cancel a One Month Notice To End Tenancy for Cause pursuant to sections 47 and 55; and
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant called into this hearing at 11:06 a.m. for the hearing set to begin at 11:00 a.m. The landlord did not call into the hearing.

The tenant advised that there had been a previous arbitration on November 16, 2020, whereby the landlord was granted an order of possession based on a 10 day notice to end tenancy for unpaid rent or utilities. The file number for the previous decision is noted on the cover page of this decision. The tenant advised she has subsequently vacated the rental unit in accordance with the order of possession.

At this point, I determined that the tenant's application to dispute a One Month Notice To End Tenancy for Cause is no longer a dispute that may be determined under part 5 of the Act and pursuant to section 62(4) I dismissed the tenant's application without leave to reapply.

As the tenant's application was not successful, the tenant is not entitled to recovery of the \$100.00 filing fee for the cost of this application.

Conclusion

The tenant's application is dismissed 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: December 04, 2020

Residential Tenancy Branch