



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFT, CNC**

Introduction

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

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

Both the landlord and the tenant attended the hearing. As both parties were present, service of documents was confirmed. The landlord acknowledged service of the tenant's Application for Dispute Resolution and the tenant acknowledged service of the landlord's evidence. Neither party had issues with timely service of documents.

At the commencement of the hearing, the tenant testified that he moved out of the rental unit on January 1, 2021. The landlord confirmed that the tenant has vacated it.

Preliminary Issue

Section 62(4) states:

The director may dismiss all or part of an application for dispute resolution if

- a. there are no reasonable grounds for the application or part,
- b. the application or part does not disclose a dispute that may be determined under this Part, or
- c. the application or part is frivolous or an abuse of the dispute resolution process.

As the parties verified the tenant has vacated the rental unit, I dismiss the application to cancel the notice to end tenancy in as the application no longer discloses a dispute that may be determined under Part 5 of the Act.

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 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: February 23, 2021

Residential Tenancy Branch