



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") to cancel a One Month Notice to End Tenancy for Cause dated February 1, 2021 ("One Month Notice"), and to recover their \$100.00 cost of their Application filing fee.

The Landlord, N.M., appeared at the teleconference hearing; however, no one attended for the Tenants. The Landlord said that the Tenants wanted to withdraw their Application, since they have found a new place to move to on June 1, 2021. I explained that we also needed confirmation from the Landlords that they agree to the withdrawal of the Application, as this would prevent the Landlords from obtaining an order of possession, which they would get, if the Tenants' claims were unsuccessful, and I, therefore, confirmed the validity of the One Month Notice.

I advised the Landlord that she may wish to apply for an Order of Possession for Cause, based on a One Month Notice, just to have this hearing in the works, in case the Tenants are unable or unwilling to move out, after all. The Landlords could withdraw or cancel such an application, if the Tenants do move out on May 31, 2021.

The Tenants should note that section 37(1) of the Act states that unless a landlord and tenant agree otherwise, the tenant must vacate the rental unit by 1:00 p.m. on the day the tenancy ends (May 31, 2021 in this case). Subsection 37(2) states that a tenant must leave the rental unit reasonably clean, and undamaged except for reasonable wear and tear.

For the reasons stated above, I find the withdrawal of this Application is not prejudicial to the Landlord in any way. The Tenants' Application is hereby withdrawn, including their claim for recovery of the \$100.00 Application filing fee.

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 11, 2021

Residential Tenancy Branch