



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, OLC, DRI, FFT

### Introduction and Preliminary Matters

On June 24, 2021, the Tenants made an Application for Dispute Resolution seeking to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to Section 47 of the *Residential Tenancy Act* (the “Act”), seeking an Order to comply pursuant to Section 62 of the *Act*, seeking to dispute a rent increase pursuant to Section 41 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

Tenant K.G. attended the hearing, and both Landlords attended the hearing as well.

I note that Section 55 of the *Act* requires that when a Tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a Landlord, I must consider if the Landlord is entitled to an order of possession if the Application is dismissed and the Landlord has issued a notice to end tenancy that complies with the *Act*.

However, all parties agreed that the Tenants gave up vacant possession of the rental unit on August 31, 2021. As such, the matters with respect to cancelling the Notice and the other issues on this Application are moot points and do not need to be considered.

As the Tenants disputed the Notice, they were not required to vacate the rental unit until a Decision about the tenancy was made in this hearing. However, as the Tenants did give up vacant possession of the rental unit prior to this hearing, I find that they were not successful in this claim. Consequently, I find that the Tenants are not entitled to recover the \$100.00 filing fee paid for this Application.

Conclusion

As the Tenants have given up vacant possession of the rental unit, this 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: October 22, 2021

---

Residential Tenancy Branch