



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC MT

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held on November 5, 2021. The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- to cancel a 1- Month Notice to End Tenancy for Cause (the Notice).

The Tenant's advocate attended the hearing. However, the Landlord did not. The Tenant stated that she served the Notice of Hearing and application package to the Landlord by registered mail on July 22, 2021. Proof of mailing was provided. Pursuant to section 90 of the Act, I find the Landlord received this package 5 days after it was mailed, on July 27, 2021.

The Tenant's advocate was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Preliminary Matters

During the hearing, the Tenant's advocate testified that the Tenant has now moved out of the rental unit. As such, I find the Tenant's application to cancel the Notice is no longer required and I dismiss it without leave to reapply. Further, since the Tenant has moved out, it appears that the landlord has regained possession of the rental unit and they no longer require an order of possession, pursuant to section 55 of the *Act*.

Conclusion

I dismiss the Tenant's application, in full, 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: November 05, 2021

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Residential Tenancy Branch