



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a tenancy. In this application for dispute resolution, the Tenants applied for:

- an order to cancel a One Month Notice to End Tenancy For Cause, dated October 14, 2021; and
- the filing fee.

Preliminary matter

At the beginning of the hearing, the representative for the Tenants indicated that the Tenants wished to withdraw their application, were in the process of moving out of the rental property that day, and would be getting in touch with the Landlord to provide the keys and arrange a condition inspection.

Therefore, I dismiss the Tenants' application.

The Landlord's representative indicated they were not seeking an order of possession. Accordingly, despite section 55(1) of the Act, and finding that the Landlord's notice to end tenancy complies with section 52, I have not granted the Landlord an order of possession. If the Tenants do not vacate the rental unit, the Landlord is at liberty to apply for an order of possession.

As the Tenants sought to withdraw their application in the hearing, I decline to award recovery of the filing fee.

Conclusion

The Tenants' claims are dismissed.

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 29, 2021

Residential Tenancy Branch