



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      **CNC, FFT**

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* ("Act") for:

- cancellation of a One Month Notice to End Tenancy for Cause ("1 Month Notice"); and
- authorization to recover the filing fee pursuant to section 72.

The Landlord's agent ("SP") and the Tenant attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### Preliminary Matter – Tenancy Ended

The Tenant stated that he moved out of the rental unit on December 1, 2021. SP stated the Tenant did not give written notice to the Landlord that he was moving out of the rental unit. SP stated a neighbour advised the Landlord that the Tenant had left the rental unit and the Landlord took possession of the rental unit on December 14, 2021.

As the Tenant has vacated the rental unit, it is not longer necessary to determine whether the 1 Month Notice should be set aside. Based on above, I dismiss the Tenant's application in its entirety without leave to reapply.

As the Landlord is in possession of the rental unit, it is unnecessary for me to consider whether the Landlord is entitled to an Order of Possession under section 55(1) of the Act.

Conclusion

The Tenant's application is dismissed without leave.

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: January 21, 2022

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Residential Tenancy Branch