



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction and Preliminary Matters

This hearing dealt with cross applications filed by the Tenants. On April 4, 2022, the Tenants applied for a Dispute Resolution proceeding seeking to cancel a One Month Notice to End Tenancy for Cause pursuant to Section 47 of the *Residential Tenancy Act* (the “*Act*”) and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

On April 11, 2022, the Tenants applied for a Dispute Resolution proceeding seeking to cancel another One Month Notice to End Tenancy for Cause pursuant to Section 47 of the *Act* and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

Both Tenants attended the hearing, and the Landlord attended the hearing as well. At the outset of the hearing, I explained to the parties that as the hearing was a teleconference, none of the parties could see each other, so to ensure an efficient, respectful hearing, this would rely on each party taking a turn to have their say. As such, when one party is talking, I asked that the other party not interrupt or respond unless prompted by myself. Furthermore, if a party had an issue with what had been said, they were advised to make a note of it and when it was their turn, they would have an opportunity to address these concerns. The parties were also informed that recording of the hearing was prohibited, and they were reminded to refrain from doing so. As well, all parties in attendance provided a solemn affirmation.

Prior to discussing service of documents, Tenant G.D. advised that these Applications pertained to two different rental units; however, they gave up vacant possession of both of these units on May 1, 2022. As the Tenants have already given up vacant possession of the rental units, it is not necessary to consider the merits of these Applications as I can neither cancel the notices, nor grant an Order of Possession of rental units where the Tenants have already vacated.

As the Tenants gave up vacant possession of the rental units, I find that they were not successful in these Applications. As such, the Tenants are not entitled to recover either \$100.00 filing fee paid for these Applications.

Conclusion

Based on the above, as the Tenants have already given up vacant possession of the rental units, the merits of these Notices have not been addressed.

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: September 2, 2022

Residential Tenancy Branch