



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BROWN BROS. AGENCIES LTD.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes CNC, FF

### Introduction, Preliminary and Procedural Matters-

This hearing convened to deal with the tenants' application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for an order cancelling a One Month Notice to End Tenancy for Cause (Notice/1 Month Notice) and recovery of the cost of the filing fee.

The tenant and the landlord's agent (agent) were in attendance. The parties were affirmed.

At the start of the hearing, the tenant and the agent confirmed that the tenants vacated the rental unit on or about the first of December 2022, according to the agent.

Section 44 (1)(d) states that one way a tenancy ends is when a tenant vacates the rental unit. I find the issue in the tenants' application has now been resolved as the tenancy has ended when the tenants vacated the rental unit. It is no longer necessary for me to consider the merits of the landlord's 1 Month Notice.

The agent confirmed that they did not seek an order of possession of the rental unit.

Given the above, I **dismiss** the tenants' application, without leave to reapply.

As I did not consider the merits of the tenants' application and the landlord's Notice, I dismiss the tenants' request for recovery of the filing fee.

Conclusion

The tenants' application is dismissed without leave to reapply as the tenancy ended prior to the hearing.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: December 20, 2022

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Residential Tenancy Branch