



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") to:

- cancel the One Month Notice to End Tenancy for Cause (the "**Notice**") pursuant to section 47; and
- recover the filing fee for this application from the landlord pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 11:10 am in order to enable the tenants to call into the hearing scheduled to start at 11:00 am. The landlord's agent attended the hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I used the teleconference system to confirm that the landlord's agent and I were the only ones who had called into the hearing.

At the outset of the hearing the landlord's agent advised me that tenant JJ passed away on August 24, 2022 and that tenant BM vacated the rental unit in August or September 2022. she testified that the landlord re rented the rental unit on December 1, 2022.

The landlord's agent consented to withdrawing the Notice and to my making an order that the notice is cancelled and is of no force or effect.

I decline to award the tenants the return of the filing fee.

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: December 9, 2022

Residential Tenancy Branch