



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **CNC FFT**

### Introduction

This hearing dealt with the Applicant's application for dispute Resolution ("Application") pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of a One Month Notice for Cause dated July 31, 2022 ("1 Month Notice") pursuant to section 47; and
- authorization to recover the filing fee for the Application from the Respondent pursuant to section 72.

The Respondent did not attend this hearing scheduled for 9:30 am. I left the teleconference hearing connection open for the entire hearing, which ended at 9:43 am, in order to enable the Respondent to call into this teleconference hearing. The Applicant attended the hearing and she was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed the correct call-in numbers and participant codes were provided in the Notice of Dispute Resolution Proceeding ("NDRP"). I also confirmed from the teleconference system that the Applicant and I were the only ones who had called into this teleconference.

The Applicant stated she served the NDRP on the Respondent by registered mail on August 29, 2022. The Applicant submitted into evidence a copy of the Canada Post tracking number for service of the NDRP Package on the Respondent to corroborate her testimony. I find the Applicant served with the NDRP on the Respondent in accordance with the provisions of section 89 of the Act.

Preliminary Matter – Applicant has Vacated the Rental Unit

At the outset of the hearing, the Applicant stated that she vacated the rental unit on October 31, 2022. The Applicant stated her daughter was the tenant on the lease for the rental unit and that the Applicant was living with her. The Applicant stated the Respondent who served the 1 Month Notice on her is not the landlord of the rental unit.

As the Applicant has vacated the rental unit, there is no need for me to consider whether I have jurisdiction to hear the Application. As such, I dismiss the Application in its entirety.

Conclusion

The Application is dismissed in its entirety.

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 12, 2023

---

Residential Tenancy Branch