



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      **CNC, OLC, FFT**

### **Introduction**

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act (“Act”) for orders as follows:

- cancellation of the landlords’ One Month Notice to End Tenancy for Cause (“One Month Notice”) pursuant to section 47
- for an order requiring the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62 of the Act
- reimbursement of the filing fee pursuant to section 72 of the Act

The landlord SDP attended the hearing. The tenant did not attend the hearing. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The landlord confirmed she was not recording the hearing pursuant to Rule of Procedure 6.11. The landlord was affirmed.

The landlord testified that she received the tenant’s dispute notice and materials and based on her testimony I find the landlord duly served in accordance with sections 88 and 89 of the Act.

The landlord confirmed that she did not serve a One Month Notice on the tenant and that the tenant vacated the rental unit on September 30, 2022. The tenant’s application is therefore dismissed in its entirety without leave to reapply as the issues for which the tenant sought relief are now moot. Section 55 of the Act only requires me to grant an order of possession upon finding that a notice to end tenancy complies with section 52

of the Act. The landlord did not issue a notice in this case, and the landlord also advised that an order of possession is unnecessary as the tenant has vacated the property.

Conclusion

The tenant's application is dismissed without leave to reapply.

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 26, 2023

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Residential Tenancy Branch