



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**") for:

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

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:10 am in order to enable the tenant to call into the hearing scheduled to start at 11:00 am. The landlord's property manager ("**SJ**") 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 SJ and I were the only ones who had called into the hearing.

SJ stated that the tenant was in the process of moving out of the rental unit, and told him that he would not be calling into the hearing today. SJ stated that, as such, the landlord did not require an order of possession, and that the Notice could be cancelled.

Accordingly, with the landlord's consent, I order that the Notice is cancelled and of no force or effect.

In the circumstances, I do not find it appropriate to order that the landlord reimburse the tenant the filing fee. I dismiss this portion of the tenant's application, 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: February 3, 2023

Residential Tenancy Branch