



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BROADSTREET PROPERTIES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes     CNC, FFT

### Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- cancellation of the One Month Notice to End Tenancy for Cause (the Notice), pursuant to section 47; and
- an authorization to recover the filing fee for this application, under section 72.

The respondent (landlord) called into this teleconference at the date and time set for the hearing of this matter. Although I waited until 9:40 A.M. to enable the applicant (tenant) to connect with this teleconference hearing scheduled for 9:30 A.M., the applicant did not attend. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlord and I were the only persons who had called into this teleconference.

The landlord confirmed receipt of the notice of hearing in December 2022.

The landlord affirmed she served the Notice dated October 26, 2022 on November 7, 2022 and that on the same day she served a letter cancelling the Notice.

The tenant submitted this application on November 4, 2022.

The application to cancel the Notice is moot, as the landlord confirmed she cancelled the Notice and informed the tenant on November 7, 2022.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the application for an order to cancel the Notice.

The tenant must bear the cost of the filing fee, as the tenant submitted this application after the landlord informed her in writing that she cancelled the Notice.

### Conclusion

I dismiss the 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 02, 2023

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Residential Tenancy Branch