



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes For the tenant: CNC, OLC, FF
For the landlord: OPC, FF

Introduction, Preliminary and Procedural Matters-

This hearing was convened as the result of the cross applications (application) of the parties for dispute resolution seeking remedy under the Residential Tenancy Act (Act).

The tenant applied for an order cancelling the One Month Notice to End Tenancy for Cause (Notice) issued by the landlord, an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, and recovery of the cost of the filing fee.

The landlord applied for an order of possession of the rental unit pursuant to the Notice served to the tenant and recovery of the cost of the filing fee.

The landlord attended the hearing; the tenant did not attend.

The landlord confirmed they received the tenant's application, but questioned why the hearing was not cancelled, as the tenant vacated the rental unit around the effective move-out date listed on the Notice, February 28, 2023. The landlord had sought to cancel the hearing ahead of time.

The landlord stated that they did not need an order of possession now as the tenant vacated.

In the absence of the tenant to present their application, pursuant to section 7.3 of the Residential Tenancy Branch (RTB) Rules of Procedure (Rules), I dismiss the tenant's application, without leave to reapply.

Given the above, I dismiss the landlord's application seeking an order of possession as the matter is now a moot point. The tenancy ended when the tenant vacated the rental unit on or about February 28, 2023.

As I have not considered the merits of the Notice or either of the applications, I decline to award either party recovery of their 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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: May 09, 2023

Residential Tenancy Branch