



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing

Page: 1

## **DECISION**

Dispute Codes      CNC OPC FFT FFL

### Introduction

The Tenant sought an order cancelling a One Month Notice to End Tenancy for Cause (the “Notice”) under the *Residential Tenancy Act* (the “Act”). By way of cross-application the Landlord sought an order of possession on the Notice. Both parties sought to recover the cost of their respective application fees.

### Preliminary Issue: Tenancy Has Ended

Only the Landlord’s agent attended the hearing. The agent advised that the Tenant had vacated the rental unit and that the Landlord no longer required an order of possession. Based on these facts, then, I will not issue an order of possession.

Because the Tenant vacated the rental unit before the hearing, the Landlord is entitled to recover the cost of their application fee. Pursuant to sections 38(4)(b) and 72 of the Act the Landlord is ordered to retain \$100.00 of the Tenant’s security deposit to offset the cost of the application fee.

The Tenant’s application is dismissed.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: June 16, 2023

---

Residential Tenancy Branch