



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction and Preliminary Matters

The Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting to cancel a Notice to End Tenancy for Unpaid Rent (the “Notice”) and to recover the cost of the Filing Fee. The matter was set for a participatory hearing via conference call.

The Landlords and Tenant attended the hearing and before I explained the hearing process and obtained their affirmations to speak the truth, the Tenant advised that the Tenants had moved out of the rental unit and this fact was confirmed with the Landlords.

I advised the Tenant that this hearing was scheduled to specifically address the cancellation of the Notice and as the tenancy had already ended, his Application to cancel the Notice would be dismissed without leave to reapply.

The Tenant stated that he thought the last month was free and admitted that he did not pay the rent for April 2018. The Landlords stated that they had submitted a separate Application for a monetary claim for unpaid rent and that there was a hearing scheduled at a future date.

I attempted to speak to the Tenant about settlement with the Landlords; however, the Tenant hung up the phone and disconnected from the hearing.

As the Tenants’ Application to cancel the Notice was not upheld, I dismiss their Application to be reimbursed for the Filing Fee.

Conclusion

As the Tenants have vacated the rental unit, the Tenants' Application to cancel the Notice is dismissed without leave to reapply.

The Tenants' Application to be reimbursed for the Filing Fee is dismissed without leave to reapply.

Both parties are advised to attend the dispute resolution hearing set for a future date.

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*.

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Dated: May 08, 2018

Residential Tenancy Branch