



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GREENAWAY REALTY LTD  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNC, FF

### Introduction, Preliminary and Procedural Matters-

This hearing convened to deal with the tenants' application for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act). The tenants applied on September 30, 2022 for an order cancelling a One Month Notice to End Tenancy for Cause (Notice/1 Month Notice) and to recover the cost of the filing fee.

The tenant attended the hearing and was affirmed. The landlord did not attend the hearing. I did not find clear evidence that the tenant served the landlord with their application and notice of the hearing.

As a preliminary matter, the tenant stated that they vacated the rental unit on October 31, 2022, because that was the effective date listed on the 1 Month Notice filed in evidence.

### Analysis and Conclusion

As I informed the tenant, I cannot proceed on their application for dispute resolution, as the tenancy ended on the date they vacated the rental unit on October 31, 2022, as provided in section 44(1)(d) of the Act.

As the tenancy has ended, the issue of whether the 1 Month Notice should be cancelled in order that the tenancy continue is no longer an issue I can decide. If the tenants believed they should not be required to vacate the rental unit, they ought to have waited for the hearing so that I could decide whether they were required to vacate.

Given the above, I **dismiss** the tenants' application, without leave to reapply.

As I did not consider the merits of the tenants' application or the 1 Month Notice, I dismiss the tenants' request for recovery of the filing fee, 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*. 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: December 08, 2022

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Residential Tenancy Branch