



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FFL

This matter was convened to hear an Application for Dispute Resolution made by the Landlord on November 23, 2022. The Landlord sought the following relief pursuant to the Residential Tenancy Act (the Act):

- an order of possession based on a One Month Notice to End Tenancy for Cause dated November 7, 2022 (the One Month Notice); and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by GC, an advocate. The Tenant attended the hearing on his own behalf. Both GC and the Tenant provided affirmed testimony.

During the hearing, GC and the Tenant confirmed that the Tenant moved out of the rental unit on December 3, 2022. GC and the Tenant also confirmed that rent was not paid when due on December 1, 2022. As the tenancy has ended, it is not necessary for me to consider the merits of the Landlord's application. Accordingly, I find that the Landlord's request for an order of possession is dismissed without leave to reapply. Further, as the Tenant vacated the rental unit before the effective date of the One Month Notice, I find the Landlord is not entitled to recover the \$100.00 filing fee paid to make the application. This aspect of the Landlord's application is dismissed 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: March 15, 2023

Residential Tenancy Branch