



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNL, OLC

Introduction

This matter dealt with an application by the Tenant to cancel a Notice to End Tenancy for Landlord's Use of Property as well as to order the Landlord to comply with the Act. The hearing started as scheduled at 11:00 a.m., however by 11:10 a.m., neither party had dialled into the conference call.

The Tenant filed a copy of a letter from the Landlord dated July 5, 2009 in which she confirms the Tenant's advice to her that he intended to move out of the rental unit. I also note that the Tenant's address for service indicated on his application filed on July 8, 2009 is a different address than the rental unit address. I conclude that the Tenant filed his application to dispute a Notice ending the Tenancy even though he intended to move out. Consequently, I find that the Tenant's application was an abuse of the RTB process and accordingly I order pursuant to s. 72 of the Act that the Tenant pay the \$50.00 filing fee for this application which was waived.

Conclusion

Pursuant to s. 62(4)(c) of the Act, the Tenant's application is dismissed without leave to reapply. I order that the Tenant pay the Residential Tenancy Branch the \$50.00 filing fee which was waived for this application.

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: August 21, 2009.

Dispute Resolution Officer