



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDCT, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's On Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

An agent of the landlord did not attend this hearing, although I waited until 9:42 a.m. in order to enable the landlord to connect with this teleconference hearing scheduled for 9:30 a.m.

The tenant attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The tenant testified that he sent the landlord the Application for Dispute Resolution (the Application) to the landlord by way of registered mail on October 06, 2017. The tenant provided the Canada Post tracking number to confirm this service. In accordance with section 89 of the *Act*, I find the landlord is deemed served with the Application on October 11, 2017.

At the outset of the hearing the tenant testified that they have moved out of the rental unit.

The tenant requested to withdraw their monetary claim at this time.

Analysis

Based on the tenant's testimony that he vacated the rental unit and is no longer disputing the landlord's notice to end tenancy, the tenant's Application to dispute the One Month Notice is dismissed, without leave to reapply.

Pursuant to section 55 of the *Act*, if the tenant's application to cancel a notice to end tenancy is dismissed, the landlord is entitled to an Order of Possession if the meets the requirements of section 52 of the *Act*.

Since the landlord did not appear at this hearing to request an order of possession and the tenant testified that he had vacated the rental unit, I do not issue an order of possession to the landlord.

Conclusion

The tenant's Application to cancel the One Month Notice is dismissed, without leave to reapply.

The tenant's Application for compensation for damage or loss under the *Act*, regulation or tenancy agreement is withdrawn.

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: December 20, 2017

Residential Tenancy Branch