



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenant: CNR FF
For the landlord: OPR MNR MNSD FF

Introduction

This hearing was convened as a result of the cross applications of the parties for dispute resolution under the *Residential Tenancy Act* (the “Act”).

The tenant applied to cancel a Notice to End Tenancy for unpaid rent and to recover the filing fee. The landlord applied for an order of possession for unpaid rent, a monetary order for unpaid rent or utilities, to keep all or part of the security deposit, and to recover the filing fee.

The hearing process was explained to the parties and an opportunity was given to ask questions about the hearing process. Thereafter the parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matters

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the landlord indicated several matters of dispute on the Application for Dispute Resolution, the most urgent of which is the order of possession. I find that not all the claims on this Application for Dispute Resolution are sufficiently related to be determined during these proceedings. I will, therefore, only consider the tenant’s request to cancel the 10 Day Notice to End Tenancy for Unpaid Rent and to recover the filing fee, and the landlord’s application for an order of possession for unpaid rent or utilities, and to recover the filing fee at these proceedings. The landlord’s monetary claim application is dismissed, **with leave to re-apply**.

The tenant stated during the hearing that he did not want to provide his forwarding address and confirmed that he has not provided his forwarding address to the landlord.

As a result, **I find** the landlord does not have a forwarding address from the tenant in which to return the security deposit to.

Issues to be Decided

- Should the Notice to End Tenancy be cancelled?
- Is the landlord entitled to an order of possession for unpaid rent?
- Should either party recover the filing fee?

Background and Evidence

At the start of the hearing, the parties confirmed that current fixed term tenancy began on September 1, 2011 and expired on August 31, 2012. Rent in the amount of \$2,375.00 was due on the first day of each month. A security deposit of \$1,187.50 was paid by the tenant.

The parties agreed that the tenancy ended on August 31, 2012 when the tenant vacated the rental unit.

Analysis

Based on the oral testimony of the parties, the tenancy ended on August 31, 2012 when the tenant vacated the rental unit at the end of the fixed term tenancy.

As a result, the landlord no longer requires an order of possession as he has already received possession of the rental unit and therefore, the remainder of the landlord's application is **dismissed**.

As the tenant vacated the rental unit on August 31, 2012, the tenant's application to cancel the 10 Day Notice to End Tenancy for Unpaid Rent is **dismissed**.

Given the above, I **do not** grant either party the recovery of the filing fee.

Conclusion

The landlord's monetary claim was dismissed with leave to reapply after being severed pursuant to section 2.3 of the Residential Tenancy Branch Rules of Procedure.

The remainder of the landlord's application is dismissed.

The tenant's application is dismissed.

I do not grant either party the recovery of the filing fee.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: September 07, 2012

Residential Tenancy Branch