



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, RP, RR, FF

Introduction

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

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice pursuant to section 46;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to cross-examine one another. The tenant confirmed that he received the landlord's 10 Day Notice posted on his door on August 8, 2013. The landlord confirmed that the tenant handed her a copy of his dispute resolution hearing package on August 14, 2013. I am satisfied that the above documents were served to one another in accordance with the *Act*.

Preliminary Matters

At the commencement of the hearing, I noted that there was no need for the tenant to have applied for an extension of time to file his application for dispute resolution as his application was submitted within the time frames set out in the *Act*. The tenant's application for an extension of time was consequently withdrawn.

The parties agreed that the tenant vacated the rental unit by September 1, 2013. The landlord testified that she no longer required an Order of Possession as she has had vacant possession of the rental unit since September 1. With the agreement of the tenant, the tenant's application to cancel the 10 Day Notice was withdrawn.

I noted that since the tenancy has ended, the tenant's request for repairs and a reduction in rent was a moot point. The tenant's application for these outcomes was also withdrawn.

The only remaining issue before me was the tenant's request for the recovery of his filing fee. Since the tenancy ended without requiring a dispute resolution hearing, I find that the tenant bears his costs of filing his application.

Conclusion

I dismiss the tenant's application to recover his filing fee without leave to reapply. All other portions of the tenant's application are 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: September 06, 2013

Residential Tenancy Branch

