



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET / OP, FF

Introduction / Background / Evidence / Analysis

This hearing was scheduled in response to the landlord's application for an early end of tenancy / order of possession, in addition to recovery of the filing fee. Both parties attended and gave affirmed testimony.

The subject unit is a room within a house where 6 separate rooms are rented. There is no written tenancy agreement for what was a sublet of 1 of these rooms from the landlord (himself a tenant) during the landlord's temporary absence. The tenancy began on October 1, 2013. Monthly rent was \$400.00. No security deposit or pet damage deposit was collected.

Arising from rent which was unpaid when due on January 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated February 11, 2014. A copy of the notice was submitted in evidence.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord also issued a 1 month notice to end tenancy for cause dated February 11, 2014. A copy of the notice was submitted in evidence.

Subsequent to service of the above 2 notices, on February 17, 2014 the tenant filed an application for dispute resolution (file # 817950). In the result, a hearing has been scheduled for April 09, 2014 at 11:00 a.m. In addition to other things, in his application the tenant seeks to have the above 2 notices to end tenancy set aside. During the present hearing the tenant confirmed his intention to proceed with the hearing on April 09, 2014, and to amend his application in advance of that date to reflect that he now seeks certain compensation.

During the present hearing the parties agreed that the tenant vacated the unit on February 19, 2014, and the tenant testified that he began a new tenancy elsewhere effective March 01, 2014. In the result, the landlord's application for an early end of tenancy / order of possession was withdrawn. Following from the foregoing, the landlord's application to recover the filing fee is hereby dismissed.

Conclusion

The landlord's application for an early end of tenancy / order of possession is withdrawn.

The landlord's application to recover the filing fee is hereby dismissed.

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 06, 2014

Residential Tenancy Branch

