



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- authorization to recover her 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, to call witnesses and to cross-examine one another. The landlord confirmed that she received a copy of the landlord's dispute resolution and written evidence packages sent to her by the tenant by registered mail on July 31, 2014. I am satisfied that the tenant served these packages to the landlord in accordance with sections 88 and 89(1) of the *Act*.

The parties agreed that the landlord provided two written requests to end this tenancy to the tenant on May 23 and 25, 2014. Neither of these May 2014 requests were made using the required Residential Tenancy Branch (RTB) forms for the landlord's attempt to end this tenancy.

The tenant confirmed that the landlord handed her the 10 Day Notice on the required RTB form on July 16, 2014, seeking an end to this tenancy by July 26, 2014.

At the beginning of this hearing, the parties confirmed that the tenant vacated the rental unit on July 28, 2014. As such, this tenancy has ended and possession of the rental unit transferred to the landlord at that time. Since this tenancy has ended, there was no need to consider the tenant's application to cancel the 10 Day Notice. The tenant withdrew her application for the cancellation of this Notice.

The tenant testified that the landlord's notices to end tenancy issued in May 2014 enabled her to refrain from paying her last month's rent. As these issues were not

before me, I could not consider the dispute between the parties as to whether rent remains owing for this tenancy.

Under these circumstances, the tenant bears the cost of her application for dispute resolution.

Conclusion

The tenant's application to cancel the 10 Day Notice is withdrawn. I dismiss the tenant's application to recover her filing fee from the landlord without leave to reapply.

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 18, 2014

Residential Tenancy Branch

