



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, CNR, O

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing filed by each party was sufficiently served on the other? With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated November 2, 2014?
- b. Whether the tenant is entitled to a monetary order and if so how much?
- c. Whether the tenant is entitled to recover the cost of the filing fee?
- d. Whether the landlord is entitled to an Order for Possession?
- e. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began in or about January 2014 when the tenant rented the rental unit from another owner. The property was sold to the present landlord who took possession around the middle of July 2014. The rent is \$800 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$400 at the start of the tenancy in January. The

landlord testified the tenant failed to pay the rent for November and the sum of \$800 remains outstanding. The tenant vacated the rental unit on December 1, 2014.

Tenant's Claim:

It is no longer necessary to consider the tenant's application to cancel the Notice to End Tenancy as the tenant has vacated the rental unit. That claim is dismissed without leave to re-apply.

The Application for Dispute filed by the tenant seeks a monetary order of \$910. The tenants stated his claims exceed \$5000. The tenant has not amended his application. I gave the tenant the option of proceeding with his claim limited to \$910 or dismissing his monetary claim with leave to re-apply. The tenant stated that he wished to re-apply. As a result I dismissed the tenant's application for a monetary order with leave to re-apply. I make no findings on the merits of the matter. Leave to re-apply is not an extension of any applicable limitation period.

Landlord's Claim:

The Application for Dispute Resolution filed by the landlord seeks an Order for Possession. It is no longer necessary to consider that claim as the tenant has vacated the rental unit. The landlord's claim for an Order for Possession is dismissed. The landlord did not claim for non-payment of rent. The landlord would have to file an Application for Dispute Resolution to make that claim.

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 01, 2014

Residential Tenancy Branch

