



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: ERP RR RP MNDC

### **Introduction**

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) That the landlord do emergency repairs pursuant to section 32;
- b) That the landlord repair and maintain the property pursuant to section 33;
- c) Compensation or a rent rebate for repairs not done; and
- d) To recover the filing fee for this application.

### **Preliminary Issue:**

The arbitrator was informed on December 8, 2014 that the applicant tenant had cancelled this hearing for December 9, 2014. The arbitrator entered the conference to ensure that the landlord had been informed and was not in the conference. The landlord attended the conference and said the tenant had sent a text message on December 3, 2014 to say she was cancelling her application. The landlord said the subject of the dispute, the kitchen counter, had been cleaned and caulked by a contractor but the tenant had vacated and returned keys on December 4, 2014, thereby breaking her fixed term lease.

### **Analysis:**

Based on the information of the landlord and the tenant's cancellation, I hereby dismiss this application of the tenant with leave to reapply. The landlord said they were aware of the provisions of section 38 of the Act.

### **Conclusion:**

The application of the tenant is dismissed with leave to reapply within the legislated time limits. No filing fee is awarded as she cancelled the hearing.

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 09, 2014

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Residential Tenancy Branch

