



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, OPR, MNR, MDSD & FF

### Introduction

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

The tenant appeared at the hearing. She testified that she was not able to serve the landlord with her Application to Cancel the Notice to End Tenancy as the landlord refused to make herself available to be served. 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 March 2, 2015
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on July 1, 2014. The rent is \$775 per month payable on the first day of each month. The tenant paid a security deposit of \$387.50 at the start of the tenancy. The tenant acknowledged that she has not paid the rent for March.

The tenant vacated the rental unit on March 31, 2015. She stated that she has no interest in reinstating the tenancy.

Tenant's Application:

The tenant stated that she did not serve the landlord. Further she has no interest in reinstating the tenancy. As a result I ordered that the application to cancel the 10 day Notice to End Tenancy be dismissed.

Landlord's Application:

The landlord failed to attend the hearing. As a result I ordered that the application for an Order for Possession be dismissed without leave to re-apply. The tenant acknowledged the rent for March has not been paid. I ordered that the landlord's application for a monetary order be dismissed with leave to re-apply.

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: April 09, 2015

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Residential Tenancy Branch

