



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover his 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 tenant's dispute resolution hearing package in her mailbox in late July 2015. I find that the landlord was duly served with this package in accordance with section 89 of the *Act*. As the tenant confirmed that he received the landlord's written evidence package, the only written evidence submitted for this hearing, I find that the landlord duly served these documents to the tenant in accordance with section 88 of the *Act*.

At the commencement of the hearing, the landlord requested the recovery of unpaid rent and utilities owing from September and October 2015, authorization to keep the tenant's security deposit, and an Order of Possession for cause. I advised the landlord that the only portion of this request that I could consider was her oral request for the issuance of an Order of Possession.

The tenant testified that he vacated the rental unit on September 16, 2015, at which time he surrendered his keys to the rental unit to the landlord. As his tenancy has ended, he withdrew his application. Since the landlord confirmed that she now had possession of the rental unit, she agreed that there was no need for her to obtain an Order of Possession. The tenant's application is therefore withdrawn.

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: October 07, 2015

Residential Tenancy Branch

