



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VALLEY REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNR OPR OLC FF

Introduction:

This was an application by the tenant to cancel a Notice to End the Tenancy for non-payment of rent dated September 25, 2015. The landlord was present at the hearing and confirmed receipt of the tenant's application. She said this matter had been dealt with at the previous hearing but the tenant said he wished to proceed with the hearing today to recover the filing fee.

Issues: Is the tenant entitled to any relief?

Background and Evidence:

Only the landlord attended the hearing and was given opportunity to be heard, to provide evidence and to make submissions. In a previous hearing on October 16, 2015, the parties agreed to settle the matter. They agreed the tenancy would end on November 1, 2015 and the tenant would pay \$2400 by bank draft to the landlord's agent by October 19, 2015. However, the tenant said in that hearing that he wanted to proceed today to recover the filing fee. The landlord said that the tenant vacated during the night before November 1, 2015 and paid no money to them. In addition, he took all the landlord's appliances. The landlord requests that this matter be dismissed.

Analysis:

I find this matter was already heard and settled on October 16, 2015. I find the evidence is the tenant did not fulfill the terms of the settlement or pay as promised.

Conclusion:

I dismiss the tenant's application without recovery of the filing fee as this application was unnecessary. The matter was heard and settled on October 16, 2015.

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: November 18, 2015

Residential Tenancy Branch

