



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, FF

### Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent, dated October 19, 2015 ("10 Day Notice"), pursuant to section 46; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package ("Application"). In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's Application.

At the outset of the hearing, both parties confirmed that the tenant had already vacated the rental unit. Accordingly, the tenant's application to cancel the landlord's 10 Day Notice is dismissed without leave to reapply.

The tenant confirmed that she still wished to recover the \$50.00 filing fee paid for her Application. The landlord opposed the tenant's request. The tenant vacated the rental unit after receiving the 10 Day Notice that she applied to cancel. I find that the tenant is not entitled to recover the \$50.00 filing fee as she was not successful in this Application. The tenant must bear the cost of the filing fee.

### Conclusion

The tenant's entire application is dismissed without leave to reapply.

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 16, 2015

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Residential Tenancy Branch

