



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *CNR, RR, RP, OLC, FF*

Introduction

This hearing dealt with an application by the tenant, pursuant to the *Residential Tenancy Act*, for an order to cancel the ten day notice to end tenancy. The tenant has also applied for an order directing the landlord to comply with the *Act*, to have repairs done and to provide a rent reduction. The tenant has applied for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

At the start of the hearing the landlord stated that the tenant paid the outstanding utilities within five days of receiving the notice to end tenancy and therefore the landlord agreed to cancel the notice to end tenancy and to allow the tenancy to continue. Since the notice to end tenancy was withdrawn by the landlord the tenant's application to cancel the notice was moot.

During the hearing the tenant informed me that the repairs were ongoing and therefore it was not necessary for me to order the landlord to carry out repairs. The tenant also withdrew his application for a rent reduction.

Analysis

The tenant made application to cancel the notice to end tenancy but paid the amount owed within the legislated time frame. Therefore I find that the tenant did not have to make application to cancel the notice to end tenancy.

The tenant also withdrew the remainder of his application for an order directing the landlord to carry out repairs and to reduce rent.

Based on the sworn testimony of both parties, I find that the tenant need not have made this application as he had resolved all issues prior to making application. Accordingly the tenant must bear the cost of filing his application.

Conclusion

The tenancy will continue. The tenant's application is dismissed.

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 06, 2016

Residential Tenancy Branch