



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, OPT, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant and the landlord.

At the outset of the hearing the tenant submitted that she no longer lived in the rental unit and that she no longer is seeking an order of possession. As such, there is no need to adjudicate anything further on the tenant's Application. The tenant withdraws her Application for Dispute Resolution.

However, I note that this hearing was originally scheduled after I wrote an Interim Decision on May 17, 2016 accepting jurisdiction over this tenancy. That decision allowed for the landlord to attend this hearing and submit any arguments he might have if he thought that the tenancy should not fall within the jurisdiction of the *Residential Tenancy Act (Act)*.

I allowed the landlord to make any submissions he chose but he conceded that he accepted the findings of the Interim Decision and made no submissions. As a result, I confirm this tenancy falls within the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to an order of possession; to an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 54, 67, and 72 of the *Act*.

Conclusion

While I noted above, that the tenant withdrew her Application, I note that she was still successful in establishing the tenancy falls under the jurisdiction of the *Act*. As a result, I find the tenant is entitled to monetary compensation pursuant to Section 67 and I grant

a monetary order in the amount of **\$100.00** comprised of the fee paid by the tenant for this application.

This order must be served on the landlord. If the landlord fails to comply with this order the tenant may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: June 10, 2016

Residential Tenancy Branch