



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 an Application for Dispute Resolution by the tenant to cancel a 1 Month Notice to End Tenancy for Cause, issued on July 26, 2016 and to recover the filing fee from the landlord.

The tenant appeared.

Preliminary matter

At the outset of the hearing the tenant indicated that they are in the process of packing their belongings. The tenant indicated that the new owners have taken possession of the rental property and they fully understand that they are required to vacate.

The tenant indicated when they made their application they were simply wanting more time to vacate the rental unit than stated in the notice to end tenancy. The tenant indicated they have spoken to the new owners and they understand that they will be vacating the trailer, which they are residing in as soon as possible.

In this case, the property has exchanged ownership and the tenant is currently packing their belongings. As a result, I find there is no issue for me to determine at this hearing.

Although under normal circumstance the applicant can recover the filing fee from the respondent. However, after further consideration, I decline to award the tenant the recovery of the filing fee. Since the tenant provided no evidence that the application and notice of hearing were served on the landlord, such as a Canada post tracking number and their application was simply to obtain more time to vacate.

Based on the above, I dismiss the tenant's application.

Conclusion

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: September 30, 2016

Residential Tenancy Branch

