



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, FF

Introduction

On October 18, 2016, the Tenant submitted two Applications for Dispute Resolution. In both Applications, the Tenant requested to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (“the Notice”) dated October 16, 2016. The Tenant also requested to suspend or set conditions on the Landlords right to enter the rental unit and to recover the cost of the filing fee from the Landlord.

The matter was set for a conference call hearing. The Tenant attended the hearing; however, the Landlord did not.

The Tenant was provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions at the hearing.

Only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

The Tenant testified that he is no longer living in the rental unit because his tenancy has ended.

The Tenant previously applied for a Dispute Resolution hearing with the Residential Tenancy Branch to dispute a different notice to end tenancy. A hearing took place on October 20, 2016.

On October 23, 2016, the Arbitrator in the October 20, 2016, hearing dismissed the Tenant’s Application to cancel a notice to end tenancy, and granted the Landlord an order of possession.

On October 28, 2016, the Tenant applied for a review of the Arbitrators decision on the grounds of new relevant information and fraud.

On November 4, 2016, an Arbitrator considered the Tenant's review application and found the Tenant was not entitled to a review hearing. The Tenant's application for review was dismissed and the original decision and order dated October 23, 2016, was confirmed.

Conclusion

The Tenant is no longer living in the rental unit, and the tenancy was ended by order of an Arbitrator.

Since the tenancy has ended, the Tenant's Applications to cancel the notice to end tenancy cannot proceed and are dismissed.

Section 72 of the Act gives me authority to order the repayment of a fee for an Application for Dispute Resolution. Since the Applicant was not successful with his Applications, I decline a monetary order for recovery of the filing fees.

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 12, 2016

Residential Tenancy Branch