



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* ("Act"), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated January 2, 2017 ("10 Day Notice"), pursuant to section 46; and
- authorization to recover the filing fee for this application, 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.

At the outset of this hearing, both parties confirmed that the tenant had already vacated the rental unit. Accordingly, the tenant's application to cancel the 10 Day Notice is dismissed without leave to reapply. The landlord does not require an order of possession.

The tenant confirmed that he was still seeking to recover his \$100.00 application filing fee and asked that I make a decision about it. The filing fee is a discretionary award issued by an Arbitrator usually after a party is fully successful on the merits of the application, once a full hearing has been conducted and the Arbitrator makes a decision about the merits. The tenant did not pursue his relief of cancelling the 10 Day Notice. He moved out of the rental unit on his own accord. As I was not required to make a decision on the merits of the tenant's application regarding the 10 Day Notice and the tenant moved out voluntarily, I find that the tenant is not entitled to recover the \$100.00 filing fee paid for this application.

The tenant stated that he also wanted to dispute an illegal rent increase by the landlord and obtain monetary compensation. I notified the tenant that he had not applied for the

above relief and he did not provide a monetary order worksheet or any written evidence to support his application. The landlord did not have notice of the above additional claims. Therefore, I could not deal with these additional claims at this hearing. I notified the tenant that if he wished to pursue the above relief, he would be required to file a new application for dispute resolution and pay a new filing fee.

Conclusion

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

The landlord does not require an order of possession.

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: February 03, 2017

Residential Tenancy Branch