



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

This was a hearing with respect to the tenant's application to cancel a 10 day Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not call in and did not participate in the hearing although this was the hearing of his application and although the hearing was kept open for 20 minutes after the scheduled time for the commencement of the hearing.

Issue(s) to be Decided

Should the 10 day Notice to End Tenancy dated February 4, 2017 be cancelled?

Background and Evidence

The rental unit is a basement suite in the landlord's house in Vancouver. The landlord served the tenant with a 10 day Notice to End Tenancy for unpaid rent dated February 4, 2017. The Notice alleged that the tenant failed to pay rent in the amount of \$1,018.69 that was due of February 1, 2017. The tenant applied to cancel the Notice to End Tenancy on February 6, 2017. The landlord testified that the tenant has moved out of the rental unit and that he did not provide a forwarding address.

The landlord submitted documentary evidence in response to the tenant's application. Included with his evidence was a copy of a form used to amend an application for dispute resolution. In the document the landlord said that:

I am asking \$155.47 for the tenant's share of the February Fortis bill plus
\$243.69 for the tenant's share of the January 2017 Fortis and hydro bills plus
\$200.00 which the tenant deducted from the February rent for the pet damage
deposit. (reproduced as written)(

At the hearing the landlord said that he has further claims to make with respect to damage to the rental unit caused by the tenant before he vacated.

Analysis

The tenant applied to cancel a 10 day Notice to End Tenancy for unpaid rent. He did not attend the hearing and he has moved out of the rental unit. The tenancy has ended and the tenant's application to cancel the Notice to End Tenancy is dismissed without leave to reapply. The landlord has recovered possession of the rental unit and an order of possession is not required.

If the landlord intends to pursue a monetary claim against the tenant he must file his own application for dispute resolution. There is no procedure whereby a respondent may make a monetary claim by submitting evidence in reply to an application for dispute resolution. A monetary claim must be brought by filing and serving an application for dispute resolution.

Conclusion

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

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: March 07, 2017

Residential Tenancy Branch