



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC, CNR, FF, MNDC, MNSD, MT

### **Introduction:**

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy March 28, 2017
- b. An order to cancel the 10 day Notice to End Tenancy dated April 2, 2017
- c. A monetary order in the sum of 15,000
- d. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was personally served on the Tenant on March 28, 2017. I find that the 10 day Notice to End Tenancy was served on the Tenant by placing it in his mailbox on April 2, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord on April 7, 2017 by mailing, by registered mail to where the landlord carries on business. With respect to each of the applicant's claims I find as follows:

### **Issues to be Decided:**

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated March 28, 2017?
- b. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated April 2, 2017?
- c. Whether the tenant is entitled to a monetary order and if so how much?
- d. Whether the tenant is entitled to recover the cost of the filing fee?

### **Background and Evidence:**

The tenancy began on November 5, 2016. The present rent is \$650 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$330 at the start of the tenancy.

The tenant testified that on April 28, 2017 the landlord illegally forced him to vacate the rental unit. He stated he has no interest in an order reinstating the tenancy. He has filed a monetary order in the sum of \$15,000 but has not identified the individual claims and has not filed a monetary order worksheet.

Analysis:

I determined it was no longer necessary to consider the tenant's application for an order to cancel the one month Notice to End Tenancy and the 10 day Notice to End Tenancy as such a determination is moot. The tenant has vacated the rental unit and he is not interested in reinstating the tenancy.

I dismissed the tenant's application for a monetary order with liberty to re-apply. The tenant failed to file a monetary order worksheet. It is not possible to determine the specifics of his claim from the Application for Dispute Resolution. Both parties were agreed to the dismissal of the monetary claim with liberty to re-apply. All other claims in this application are dismissed.

**This decision is final and binding on the parties.**

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: May 18, 2017

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Residential Tenancy Branch