



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, FF, OLC

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing via conference call and provided affirmed testimony.

At the outset, the tenants provided undisputed testimony that the tenancy ended when the tenants had vacated the rental unit sometime in mid-June. The landlords confirmed that they have had possession since mid-June. As such, the tenants' request to cancel the 10 Day Notice is no longer required and was cancelled by the tenants.

As for the tenants' request for an order for the landlords to comply with the Act, regulations or tenancy agreement (OLC), the tenants detailed that this portion of the claim was for return of the security deposit. Both parties confirmed at this time that the tenants had not yet provided their forwarding address in writing to the landlords for return of the security deposit. As such, this portion of the tenants' request is premature and is dismissed with leave to reapply.

I decline to make any order regarding the recovery of the filing fee as the tenant has cancelled part of the claim (CNR) and has failed to comply with section 38 of the Act regarding the other portion (OLC).

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: August 01, 2017

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Residential Tenancy Branch