



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** CNR, OLC, FF

### **Introduction**

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for non-payment of rent. The tenant also applied for an order directing the landlord to comply with the *Act* and for the recovery of the filing fee.

The notice of hearing dated November 09, 2017 was served on the landlord on November 10, 2017 in person. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

The tenant informed me that the tenancy had ended on December 17, 2017 and that he had moved out of the rental unit. Therefore the tenant's application to cancel the notice to end tenancy is moot and accordingly dismissed. The tenant requested the recovery of the filing fee

### **Issue**

Is the tenant entitled to the recovery of the filing fee?

### **Background and Evidence**

On November 06, 2017 the landlord served the tenant with a notice to end tenancy for nonpayment of rent. The tenant stated that he was unsure of whether he wanted to continue with the tenancy or not but filed an application to dispute the notice within the legislated five day time frame.

The tenant testified that his job situation changed and he decided to move out. The tenant requested that he be reimbursed by the landlord for the recovery of the filing fee of \$100.00.

### **Analysis**

Based on the testimony of the tenant, I find that the tenant received the notice to end tenancy for unpaid rent, on November 06, 2017 and made application, pursuant to Section 46 to set aside the notice to end a residential tenancy.

The tenant moved out on December 17, 2017. Since he had decided to move out, he did not have to dispute the notice to end tenancy. For the above reasons, I find that the tenant is not entitled to the recovery of the filing fee.

### **Conclusion**

The tenant's application is dismissed.

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: January 24, 2018

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Residential Tenancy Branch