



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNL, FF

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated March 14, 2018 ("10 Day Notice"), pursuant to section 46;
- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property, dated January 30, 2018 ("2 Month Notice"), pursuant to section 49;
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord, the landlord's lawyer, and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. This hearing lasted approximately 23 minutes.

At the outset of the hearing, the tenant confirmed that she vacated the rental unit, she did not require the relief in her application, and she would bear the cost of the \$100.00 filing fee paid for this application. Accordingly, I notified her that her entire application was dismissed without leave to reapply.

Pursuant to section 55 of the *Act*, if I dismiss the tenant's application to cancel notices to end tenancy, the landlord is entitled to an order of possession if the notices meet the requirements of section 52 of the *Act*. The landlord's lawyer confirmed that the landlord took back possession of the rental unit and did not require an order of possession. Therefore, I decline to issue an order of possession to the landlord.

Conclusion

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

The landlord is not entitled to 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: April 19, 2018

Residential Tenancy Branch