



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR OPR LRE MNDC MT

Introduction:

The tenant/applicant did not attend this hearing, although I left the teleconference hearing connection open until 9:15 a.m. in order to enable the tenant to call into this teleconference hearing scheduled for 9:00 a.m. on June 21, 2018. The landlord and a witness attended the hearing and gave sworn evidence. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord confirmed the tenant had served them with this Application dated May 1, 2018 but had since vacated the unit. The tenant applies pursuant to section 46 of *The Residential Tenancy Act* (the Act)

- a) to cancel the Notice to End Tenancy pursuant to section 46;
- b) for compensation of \$775 for costs incurred due to the landlord illegally evicting them and ruining their food and clothing and for the stress and harassment this caused.

Issues: Is the tenant entitled to any relief?

Background and Evidence:

In a previous hearing on May 14, 2018, the tenancy was ended early pursuant to section 56 of the Act and the landlord was granted an Order of Possession. The tenant has since vacated. The tenant did not attend the hearing today to provide any evidence.

Analysis:

I find the landlord was granted an Order of Possession in a previous hearing so the Application to cancel a Notice to End Tenancy is dismissed.

In respect to the tenant's claim for compensation, I find insufficient evidence that they were illegally evicted or that they suffered damages as a result. I dismiss the tenant's claim for compensation.

Conclusion:

I dismiss the tenant's application in its entirety without leave to reapply; the filing fee was waived.

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: June 21, 2018

Residential Tenancy Branch