



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, LRE, FFT

### Introduction

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

- cancellation of the landlord's On Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord and the tenant attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

At the outset of the hearing the tenant testified that they have moved out of the rental unit and were no longer disputing the One Month Notice due to threatening e-mails sent to the tenant from the landlord's son.

### Analysis

Based on the tenant's testimony that he vacated the rental unit and is no longer disputing the landlord's notice to end tenancy, the tenant's Application to dispute the One Month Notice is dismissed, without leave to reapply.

Pursuant to section 55 of the *Act*, if the tenant's application to cancel a notice to end tenancy is dismissed, the landlord is entitled to an Order of Possession if the meets the requirements of section 52 of the *Act*.

As the landlord did not request an Order of Possession, I do not issue an order of possession to the landlord.

As the tenant has moved out, I dismiss their request to suspend or set conditions on the landlord's right to entry.

As the tenant was not successful in their application, I dismiss their request to recover the filing fee from the landlord.

Conclusion

The tenant's Application is dismissed in its entirety, without leave to reapply.

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: September 18, 2018

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Residential Tenancy Branch