



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FFT

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the one month Notice to End Tenancy was personally served on the Tenant on September 12, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlords by mailing, by registered mail to where the landlords reside on September 25, 2018. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on July 6, 2018. The tenancy agreement provided that the tenant(s) would pay rent of \$1000 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$500 at the start of the tenancy.

The tenant vacated the rental unit on October 31, 2018. She testified she found another place to move to on or about October 14, 2018. She sent the landlord a registered mail letter providing the landlord with her forwarding address and asking for the return of the security deposit on October 16, 2018.

Neither party provided a copy of the Notice to End Tenancy. However, the landlord testified that the Notice to End Tenancy is in the approved form and relies on the following grounds:

- Tenant has allowed an unreasonable number of occupants in the unit/site

Analysis:

The Tenant has vacated the rental unit and does not wish to have the tenancy re-instated. As a result I ordered that the Tenant's application to cancel the Notice to End Tenancy be dismissed without liberty to re-apply. It is not necessary to grant an Order of Possession as the Tenants have vacated the landlords have regained possession of the rental unit.

The tenant requested that I order the return of the cost of the filing fee. The filing fee is normally awarded to the party who is successful in the proceeding. In this case the Tenant's application has been dismissed. I determined there was no basis for an order for the reimbursement of the cost of the filing fee. The tenant has not been successful with her application.

This decision is final and binding on the parties.

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: November 01, 2018

Residential Tenancy Branch