



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNL CNR FFT LRE OLC

Introduction

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

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use (the 2 Month Notice) pursuant to section 47;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order that the landlord comply with the Act, regulations or tenancy agreement pursuant to section 62;
- an order to suspend or set conditions on the landlord's right to enter the rental suite pursuant to section 70; and
- authorization to recover the filing fee from the landlord pursuant to section 72.

Both parties attended the teleconference hearing, and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

As both parties were present service of documents was confirmed. The tenant confirmed receipt of the 2 Month Notice of November 30, 2018, the 10 Day Notice of December 2, 2018 and landlord's evidence. The landlord confirmed receipt of the tenant's application for dispute resolution of December 4, 2018 and evidence. Based on the evidence I find that both parties were each served with the respective materials in accordance with sections 88 and 89 of the Act.

At the outset of the hearing the tenant confirmed they had vacated the rental unit. The tenant confirmed that they are not seeking to return to the rental unit. Nevertheless, the tenant gave evidence on how they believe the landlord acted in contravention of the Act

in issuing the Notices to End Tenancy and that they suffered distress as a result. The tenant testified that they wanted a monetary award against the landlord but both parties were advised that a monetary claim was not before me in this application and would not be considered.

Conclusion

The tenant's entire application is dismissed 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: January 18, 2019

Residential Tenancy Branch