



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      CNR FFT

### **Introduction**

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

During the hearing the tenant testified that he had vacated the rental unit on August 29, 2020, and is no longer residing at the rental unit. The landlord testified that he was unaware that the tenant had moved out, and requested an Order of Possession. The tenant confirmed that the tenancy has ended, and took no issue with the issuance of an Order of Possession. Accordingly, the landlord will be given an Order of Possession for the rental unit.

I, therefore, grant an Order of Possession to the landlord effective two days after service of this Order on the tenant. Should the tenant and any occupant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia

Both parties confirmed that this hearing was scheduled to deal with the tenant's application to cancel the 10 Day Notice to End Tenancy, and were aware that the landlord's application for monetary compensation or money owed is scheduled for January 12, 2021. The landlord's application will be dealt with as scheduled.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As I was not required to make a decision on the merits of this case, I find that the tenant is not entitled to recover the \$100.00 filing fee paid for this application. The tenant must bear the cost of this filing fee.

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 9, 2020

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Residential Tenancy Branch