



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNL, OLC, PSF, FFT

Introduction

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

- cancellation of the landlord's Ten Day Notice to End Tenancy for Unpaid Rent or Utilities, dated November 3, 2020 ("10 Day Notice"), pursuant to section 46;
- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), pursuant to section 49;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring the landlord to provide services or facilities required by law, pursuant to section 65; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord, the landlord's agent and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord's witness was excluded from the outset of the hearing and did not return to testify. The landlord confirmed that his agent had permission to speak on his behalf at this hearing. This hearing lasted approximately 7 minutes.

At the outset of the hearing, the tenant confirmed that he vacated the rental unit on January 4, 2021 and he left the keys inside the rental unit. He confirmed that he did not require any relief in his application, except for his filing fee and moving expenses that he wanted the landlord to pay to him.

I notified the tenant that he did not apply for any monetary relief, including for moving expenses, so I could not make a decision regarding same.

I informed the tenant that his entire application was dismissed without leave to reapply, including for the \$100.00 filing fee, as the tenant did not pursue his application at this hearing, and he moved out of the rental unit. The filing fee is a discretionary award given by an Arbitrator usually after a party is fully successful on the merits of their application after a full hearing is held and a decision is made. Since I was not required to make a decision after a hearing on the merits, the tenant is not entitled to recover the filing fee from the landlord.

The landlord's agent requested an order of possession and the tenant consented. I notified both parties that I would issue an Order of Possession to the landlord against the tenant, effective on January 5, 2021. Both parties confirmed their understanding of same.

Conclusion

I grant an Order of Possession to the landlord effective at 1:00 p.m. on January 5, 2021. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 05, 2021

Residential Tenancy Branch