



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNDC, RR, RP, FF

Preliminary and Procedural Matters

This hearing dealt with an Application for Dispute Resolution by the tenant under the Residential Tenancy Act (Act) seeking:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord;
- compensation from the landlord for a monetary loss or other money owed;
- a reduction in monthly rent;
- an order requiring the landlord to make repairs to the rental unit; and
- to recover the cost of the filing fee.

The tenant attended the hearing; the landlord did not attend.

The tenant said they served the landlord with their Application for Dispute Resolution, evidence, and Notice of Hearing (application package) by personal service on March 6, 2021.

Based upon the submissions of the tenant, I accept the landlord was served notice of this hearing and the tenant's application in a manner complying with section 89(1) of the Act and the hearing proceeded in the landlord's absence.

At the start of the hearing, the tenant testified that they vacated the rental unit on April 1, 2021, after filing this application on February 20, 2021. The tenant said they had to vacate as her rent payments were being stolen by employees of the landlord and that she has had dealings with at least eight different people representing the landlord, causing confusion.

I further find that the tenant made an inadvertent error in her application, as the Notice to end the tenancy filed into evidence was a One Month Notice to End Tenancy for Cause (Notice). I therefore find it appropriate to amend the tenant's application, requesting cancellation of that One Month Notice, rather than a 10 Day Notice.

As a result of the above, I find the tenant's application seeking to cancel the One Month Notice in order to continue the tenancy is moot as the tenancy ended April 1, 2021, when the tenants vacated the rental unit.

Given the above, I dismiss the tenants' application to cancel the Notice to End Tenancy.

Additionally, the tenant said she did not want to pursue any other issues in her application, other than her request to recover the filing fee.

As the landlord failed to attend the hearing to support their Notice, after proper service, and as it was necessary for the tenant to file their application, I grant the tenant recovery of her filing fee of \$100.

To give effect to this order, I grant the tenant a monetary order in the amount of \$100, enforceable against the landlord.

Should the landlord fail to pay the tenant this amount without delay after being served the order, the monetary order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an Order of that Court.

The landlord is cautioned that costs of such enforcement are recoverable from the landlord.

Conclusion

The tenant's application seeking cancellation of the One Month Notice is dismissed as it is now moot.

The tenant withdrew the remaining issues listed in her application.

The tenant is granted a monetary order of \$100, for recovery of her 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: May 28, 2021

Residential Tenancy Branch