



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNC, OLC, FFT

### Introduction

On March 3, 2023, the tenant applied for:

- (i) an order to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to section 47 of the *Residential Tenancy Act* (the “Act”);
- (ii) an order for the landlord to comply with the Act under section 62 of the Act; and
- (iii) authorization to recover the cost of the filing fee under section 72 of the Act.

The tenant attended the hearing. No one dialled in on behalf of the landlord during the hearing, which lasted from 1:30 P.M. to 1:36 P.M. The tenant testified under oath that the tenant served a Notice of Dispute Resolution Proceeding on the landlord by registered mail. It is my finding that the landlord was served with the required notice in compliance with the Act.

### Preliminary Issue - Unrelated Claims

*Rules of Procedure* 2.3 states that claims made in an application for dispute resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims.

It is my determination that the claim regarding the Notice and the recovery of the filing fee is not sufficiently related to the tenant’s other claim to warrant that they be heard together. I exercise my discretion to dismiss the tenant’s other claim with leave to reapply and will deal only with the cancellation of the Notice (and the related request for recovery of the filing fee).

Preliminary Issue – landlord already has possession of rental unit

The tenant affirmed that the tenant left the rental unit on April 2, 2023 and the landlord currently has possession of the rental unit. The current application before me for an order to cancel the Notice is moot since the landlord already has possession of the rental unit.

Section 62(4)(b) of the Act states that an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the application for an order to cancel the Notice.

Issue(s) to be Decided

1. Is the tenant entitled to recover the cost of the filing fee?

Analysis

Since the tenant's application for an order to cancel the Notice is dismissed, the tenant's application to recover the cost of the filing fee under section 72 of the Act is also dismissed.

Conclusion

The 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: May 04, 2023

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Residential Tenancy Branch