



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was convened by way of conference call in repose to the tenant's application to cancel the 10 Day Notice to End Tenancy for unpaid rent.

The tenant and landlord attended the conference call hearing. The parties provided documentary evidence to the Dispute Resolution Officer before the hearing commenced and to the other party prior to the hearing. The tenant left the conference call before the hearing concluded.

### Issue(s) to be Decided

Is the tenant entitled to have the 10 Day Notice to End Tenancy cancelled?

### Background and Evidence

The landlord testifies that a previous hearing was held on January 06, 2012 in response to the tenant's application to have a 10 Day Notice to End Tenancy which was issued for unpaid rent for December, 2011 cancelled. At that hearing the tenant's application was dismissed and the landlord was granted an Order of Possession effective two days after service.

Prior to the hearing being conducted on January 06, 2012 the landlord states the tenant also failed to pay rent for January, 2012 so the landlord served the tenant with another

10 Day Notice to End Tenancy for unpaid rent. The landlord states when he received the Order of Possession from the previous Dispute Resolution Officer the tenant was served with the Order of Possession and the landlord had to enforce the Order in the Supreme Court and the tenant and her belongings' were removed from the rental unit.

The tenant states she applied for a review of the previous Decision and Order and had not yet had a decision on that. The tenant states she has not fully moved from the rental unit.

The tenant left the conference call. The hearing proceeded in so far as to conclude the matter and the conference call was ended.

### Analysis

I have carefully considered all the evidence before me. It is my decision that this tenancy was previously ended at the hearing held on January 06, 2012. The tenant filed an application for a review consideration on January 18, 2011 and that application was also dismissed.

As the tenancy has ended due to the Order of Possession previously served upon the tenant and the subsequent removal of the tenant from the rental unit, the tenant's application to cancel the second 10 Day Notice to End Tenancy is therefore dismissed without leave to reapply.

### Conclusion

The tenant's application is dismissed without leave to reapply. The tenancy ended by a prior Order of Possession granted on January 06, 2011.

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 31, 2012.

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Residential Tenancy Branch