



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, FF

Introduction

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

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing via conference call and provided affirmed testimony.

At the outset both parties confirmed that the second person named, J.C. in the tenant's application was added in error. The landlord stated that J.C. was a witness and is not a landlord. The tenant provided testimony that she thought that J.C. was a landlord. Both parties agreed that the person, J.C. could be removed from the tenant's application without issue.

Both parties also confirmed that the tenant was no longer in possession of the rental unit as the landlord had applied for and received an order of possession on June 2, 2016. The landlord also confirmed that a writ of possession had already been issued by the Supreme Court of British Columbia and that it had been executed by Bailiffs.

The tenant's application is dismissed for lack of jurisdiction as the matter has already been heard by the Residential Tenancy Branch and enforced with a writ of possession from the Supreme Court of British Columbia.

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: June 29, 2016

Residential Tenancy Branch