



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, FF

### Introduction

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

- cancel the landlord's 10 day notice to end tenancy for unpaid rent ("10 Day Notice"), pursuant to section 46; and
- recover the filing fee for this application from the landlords', pursuant to section 72.

The tenant and landlord's three agents ("landlord CT, landlord SS and landlord NS") attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. Landlord CT confirmed receipt of the tenant's application for dispute resolution package. In accordance with sections 89 and 90 of the *Act*, I find that the landlords' were duly served with the application.

At the outset of the hearing landlord CT expressed confusion over the tenant's application to cancel a 10 Day Notice as this matter was already addressed in a previous Decision issued by the Residential Tenancy Branch (the "Branch") on June 6, 2016. The Arbitrator in that hearing determined that the 10 Day Notice issued on May 2, 2016 and the 10 Day Notice issued on May 13, 2016 were cancelled. For ease of reference, the file number for that hearing is set out on the front page of this decision.

The tenant testified that landlord SS and landlord NS served her another 10 Day Notice on an undisclosed date in June and this was the 10 Day Notice she was seeking to cancel. The tenant acknowledged she did not provide a copy of this 10 Day Notice to the Branch and did not have the 10 Day Notice before her at the hearing.

Landlord NS and landlord SS testified that they did not serve the tenant a 10 Day Notice in June, the only 10 Day Notice's served were in May of 2016.

In the absence of a 10 Day Notice and based on the landlord's testimony that a 10 Day Notice was not issued in June of 2016, I dismiss the tenant's application to cancel the 10 Day Notice and recover the filing fee.

Conclusion

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: July 19, 2016

---

Residential Tenancy Branch

