



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, FF

Introduction

On April 10, 2017, the Tenant made an Application for Dispute Resolution to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (“the Notice”) dated April 7, 2017.

The matter was set for a conference call hearing. The Landlord and Tenant attended the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Issues

The Landlord and Tenant testified that the Tenant moved out of the rental unit in on May 1, 2017.

The tenancy ended when the Tenant moved out of the rental unit.

Since the tenancy has ended, there is no reason to proceed with a hearing to determine whether the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities is valid.

The Landlord submitted that she would like to submit a cross application to keep the Tenant’s security deposit for damages and loss of income. The Residential Tenancy Branch (“the RTB”) never received an Application for Dispute Resolution from the Landlord.

The Landlord’s monetary claims cannot be heard in this hearing. If the Landlord wants to proceed with a monetary claim against the Tenant for unpaid utilities or damage, the

Landlord is required to file an Application for Dispute Resolution with the RTB, and serve the Tenant with Application and Notice of Hearing.

Conclusion

The Tenant moved out of the rental unit prior to the hearing. The Tenant's application to cancel the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated April 7, 2017, is dismissed.

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 15, 2017

Residential Tenancy Branch