



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

This was an application for dispute resolution made by the Tenants to cancel a 10 Day Notice to End Tenancy for unpaid rent.

At the time of the hearing one of the Tenants called into the hearing and explained they had moved out of the rental unit. The Tenant still wanted to proceed to claim against the Landlord as she said she felt unsafe during the tenancy.

It was explained to the Tenant that they could not make such a claim in this application; however, if they still wanted to claim against the Landlord for loss of quiet enjoyment they would have to file a new application and serve that on the Landlord.

This is because the application the Tenants filed was only to cancel the Notice to End Tenancy. If they want to make a different claim they must put the Landlord on notice of their new claims by filing an application and serving the Landlord with the new application and their evidence.

The parties are referred to our website for further information and they may want to use the Solution Explorer to get help, or call into the branch and speak to an information officer.

### Conclusion

As the Tenants have vacated the rental unit, there is not a claim to be made to cancel the 10 day Notice to End Tenancy and the hearing is cancelled.

The Tenants have leave to file a further application for loss of quiet enjoyment if they so choose.

Both parties are referred to the Branch website for information on their rights and obligations.

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: August 21, 2017

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Residential Tenancy Branch