



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC CNR

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46.

Although the hearing was scheduled for an in person hearing by special request of the tenant, the tenant did not attend the hearing in person as requested. The tenant attended the hearing by teleconference with her advocate, while the landlord attended the hearing in person. Both parties were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing. In accordance with section 89 of the *Act*, I find that the landlord was duly served with the tenant's application. As all parties confirmed receipt of each other's evidentiary materials, I find that these were duly served in accordance with section 88 of the *Act*.

At the beginning of the hearing the landlord indicated that he had obtained an Order of Possession by way of a Direct Request Proceedings, and that he had already served the tenant with the Order of Possession. It was confirmed that on November 27, 2017 an Adjudicator had granted the landlord an Order of Possession and Monetary Order following a Direct Request Proceeding related to a 10 Day Notice issued on November 4, 2017. The Order of Possession is effective 2 days after service of this order on the tenant.

As the landlord had already obtained an Order of Possession for this tenancy, the landlord was no longer seeking an end to this tenancy based on the 10 Day Notice and 1 Month Notice dated October 2, 2017 and September 30, 2017 respectively. The 10

Day Notice dated October 2, 2017 and 1 Month Notice dated September 30, 2017, are cancelled and are of no force or effect. The tenant's application to cancel these notices is therefore cancelled

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: December 1, 2017

Residential Tenancy Branch