



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. The participatory hearing was held on December 4, 2017. The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice).

The Tenant attended the hearing. However, the Landlord did not. The Tenant stated that he served the Notice of Hearing and his application package to the Landlord by registered mail on September 21, 2017. Pursuant to section 90 of the Act, I find the Landlord received this package 5 days after it was mailed, on September 26, 2017.

The Tenant was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. 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 Matters

During the hearing, the Tenant testified that he has now moved out of the rental unit. As such, I find the Tenant's application to cancel the 10 day Notice is no longer required and I dismiss it without leave to reapply. Further, since the Tenants have moved out, it appears that the landlord has regained possession of the rental unit and they no longer require an order of possession, pursuant to section 55 of the *Act*.

### Conclusion

I dismiss the Tenant's application 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: December 04, 2017

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Residential Tenancy Branch