



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the Act") for landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46.

The tenant and her advocate attended the hearing. The advocate testified that she sent the landlord her Application for Dispute Resolution package by registered mail immediately after filing the tenant's application on October 13, 2017.

Preliminary Matter

At the outset of this hearing, the tenant and her advocate advised this arbitrator that a previous hearing was held regarding this tenancy. As a result of applications by both the landlord and the tenant at that time, a mutual agreement to end tenancy was reached. Therefore, I find this hearing with respect to a 10 Day Notice is unnecessary and cannot be heard as a prior decision has been made by a Residential Tenancy Branch Arbitrator.

The tenant requested that the agreement be revisited for possible changes however I am not at liberty to alter the decision of another arbitrator, particular with regard to a settlement between two parties when only one party is present.

Given the circumstances described by the tenant and her advocate as well as confirmation within the Residential Tenancy Branch that this tenancy has been previously adjudicated, I find that I am *functus* (unable to hear this matter) and therefore dismiss the application.

Conclusion

The tenant's application to cancel a Notice to End Tenancy 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: January 2, 2018

Residential Tenancy Branch