



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, OLC, ERP, PSF

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 46;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring the landlord to make emergency repairs to the rental unit, pursuant to section 33; and
- an order requiring the landlord to provide services or facilities required by law, pursuant to section 65.

The landlord's agent ("landlord") and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

At the outset of the hearing, the tenant confirmed that he had vacated the rental unit and he did not require the relief in his application. The landlord produced written evidence indicating that the tenant had vacated the rental unit and the landlord wanted the tenant's application to be dismissed without leave to reapply.

For the above reasons, I informed the tenant that his entire application was dismissed without leave to reapply and he would not be able to file another application in the future to seek the same relief. The tenant confirmed his understanding and agreement to same.

Pursuant to section 55 of the *Act*, if I dismiss the tenant's application to cancel a 10 Day Notice, the landlord is entitled to an order of possession if the notice meets the requirements of section 52 of the *Act*.

The tenancy has ended and the landlord does not require an order of possession. For the above reasons, I do not issue an order of possession to the landlord.

Conclusion

The tenant's entire application is dismissed without leave to reapply.

The landlord is not entitled to an order of possession.

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 04, 2018

Residential Tenancy Branch