



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, PSF, LRE

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent, dated December 7, 2018 ("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 provide services or facilities required by law, pursuant to section 65; and
- an order to suspend or set conditions on the landlord's right to enter the rental unit, pursuant to section 70.

The landlord, the landlord's agent 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. The landlord confirmed that her agent had permission to speak on her behalf at this hearing.

The hearing began at 11:00 a.m. with only me, the landlord and the landlord's agent present. The tenant called in late at 11:03 a.m. I informed the tenant about what occurred in his absence before he called. The hearing ended at 11:37 a.m.

The landlord was in receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application.

Both parties agreed that they attended a previous hearing at the Residential Tenancy Branch ("RTB") on January 10, 2019. They indicated that they had not yet received a decision from the Adjudicator at that hearing. I checked the RTB online system and determined that the Adjudicator issued a decision on the date of this hearing, January 21, 2019, granting an order of possession to the landlord effective at 1:00 p.m. on January 31, 2019. I informed both parties about this during the hearing.

The landlord confirmed that she was satisfied with the above order of possession and that she did not require another order of possession from me at this hearing. The tenant stated that he did not want to proceed with this hearing because he did not want to risk me making a decision and potentially issuing an earlier two-day order of possession to the landlord, based on the landlord's 10 Day Notice.

I notified the tenant that he had leave to reapply for this application, if he wanted to do so, in the future. He confirmed his understanding of same.

The tenant was concerned about the previous hearing decision and asked for assistance. I informed him that I could not provide any legal advice with respect to that matter. I notified him that he could consult a lawyer for legal advice, an information officer at the RTB for information, not legal advice, regarding the *Act* and the hearing process, and a tenant's advisory centre if he required assistance with dealing with the previous hearing decision.

Conclusion

The tenant's entire application is dismissed with 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: January 22, 2019

Residential Tenancy Branch