



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

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

- to cancel the landlord's One Month Notice to End Tenancy for Cause (the One Month Notice), pursuant to section 47 of the Act; and
- authorization to recover the filing fee for this application from the landlords pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard.

Preliminary Issue – Previous Residential Tenancy Branch decision dated February 28, 2019

At the onset of the hearing, the landlord "HL" (the "landlord") testified that she had filed an Application for Dispute Resolution by Direct Request, in which the landlord sought an Order of Possession pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) dated February 02, 2019. The file number for the landlord's Application for Dispute Resolution by Direct Request is referenced on the first page of this decision.

In a previous Residential Tenancy Branch (RTB) decision, dated February 28, 2019, the Adjudicator determined that the tenancy was conclusively presumed to have ended pursuant to the 10 Day Notice. The Adjudicator granted to the landlord an Order of Possession, effective two days after service of the Order on the tenant.

Therefore, the matter before me concerning the tenant's request to cancel the One Month Notice to effectively seek an order which would find that the tenancy will continue if the One Month Notice is set aside has been rendered moot.

During the hearing, the landlord testified that she did not wish to set aside or cancel the Order of Possession granted in the February 28, 2019 decision. Therefore, the landlord stated that she wished to adhere to the February 28, 2019 decision, which determined that the tenancy had ended.

Therefore, I advised the parties that I do not have jurisdiction to hear a matter concerning a request to cancel a notice to end tenancy with respect to a tenancy that had already been determined to have ended in accordance with the Act, pursuant to the previous RTB decision issued by an Adjudicator on February 28, 2019.

Conclusion

The tenant's application is dismissed in its entirety, 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: March 01, 2019

Residential Tenancy Branch