



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, MNDCT, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (“application”) by the tenant under the Residential Tenancy Act (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated May 12, 2019 (“10 Day Notice”), for an order requiring the landlord to comply with the Act, the Regulations, or the tenancy agreement, a monetary order for money owed or compensation for damage or loss under the Act, the tenancy agreement or the Regulations, and to recover the cost of the filing fee.

The tenant, the landlord and the landlord’s agents attended the teleconference hearing.

At the start of the hearing, the tenant testified that he vacated the rental unit on June 8, 2019, after filing the Application on May 16, 2019. The tenant submitted that he abandoned the rental unit under duress.

As a result, I find the tenant’s application seeking cancellation of the Notice is now moot as the tenancy ended when he vacated the rental unit on June 8, 2019, pursuant to section 44(1)(d) of the Act.

Given the above, I dismiss the portion of the tenant’s application seeking cancellation of the 10 Day Notice as the tenancy has ended.

I have also determined that the portion of the tenant’s application dealing with a request for an order requiring the landlord to comply with the Act, the Regulations, or the tenancy agreement and a monetary order for money owed or compensation for damage or loss under the Act, the tenancy agreement or the Regulations is unrelated to the primary issue of disputing the Notice. As a result, pursuant to section 2.3 of the Rules, I

have severed the tenant's Application and dismissed that portion, **with leave to reapply**.

As a result of the above, I do not grant the recovery of the filing fee.

The parties provided their email addresses and confirmed that the decision would be emailed to both parties.

Conclusion

The tenant's application to cancel the 10 Day Notice is dismissed as it is now moot. The tenancy has ended.

The tenant's application for issues unrelated to his request to cancel the 10 Day Notice has been severed and 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: June 28, 2019

Residential Tenancy Branch