



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent.

The tenant and their advocate attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The advocate stated that the Application for Dispute Resolution and Notice of Hearing were served on the landlord, in person, on June 6, 2019. I find that the landlord has been duly served in accordance with the Act.

Preliminary and procedural matters

The advocate stated that the landlord breached the Act, by removing the tenant from the premises prior to the hearing. The tenant confirmed they are not living on the property.

As the tenant is not currently living on the property, and a copy of the 10 Day Notice to End Tenancy was not submitted for my review or consideration. I decline to hear the matter as I have no way to determine if the 10 Day Notice to End Tenancy for Unpaid Rent is in the correct form.

As discussed at the hearing, the tenant has the option of applying for an order of possession of the unit if they want to continue to reside on the property, or alternatively applying for monetary compensation should they believe the landlord has violated the Act.

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: July 18, 2019

Residential Tenancy Branch