



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”).

The Landlord was present for the teleconference hearing while no one called in for the Tenant during the 10 minutes that the teleconference phone line was monitored. The Landlord was affirmed to be truthful in his testimony and confirmed receipt of the Notice of Dispute Resolution Proceeding package from the Tenant.

As stated by rule 7.3 of the *Residential Tenancy Branch Rules of Procedure*, if a party does not attend the hearing the hearing may continue, or the application may be dismissed. As the application was regarding a dispute over a 10 Day Notice, the hearing continued to determine whether the 10 Day Notice should be cancelled or if the Landlord is entitled to an Order of Possession.

### Issues to be Decided

Should the 10 Day Notice be cancelled?

If the 10 Day Notice is upheld, is the Landlord entitled to an Order of Possession?

### Background and Evidence

The Landlord stated that the Tenant moved out of the rental unit on August 4, 2019 and that the keys to the rental unit were returned that day. As such, the Landlord stated that he is satisfied that he has possession of the rental unit back.

### Analysis

I accept the testimony of the Landlord that the tenancy ended on August 4, 2019 and that the Landlord has possession of the rental unit back. Therefore, I find that a dispute over the 10 Day Notice is no longer relevant as the tenancy has ended and that it is not necessary to consider whether the Landlord is entitled to an Order of Possession.

Therefore, I dismiss the Tenant's Application for Dispute Resolution without leave to reapply.

### Conclusion

The tenancy has ended. The Application for Dispute Resolution is dismissed, 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: August 20, 2019

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Residential Tenancy Branch