



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR OLC

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;

All named parties attended the hearing.

At the outset of the hearing, the parties confirmed that the landlord had not issued a 10 Day Notice. The tenants' application to dispute a 10 Day Notice is therefore dismissed.

The tenants were also seeking to dispute a mutual agreement to end tenancy on the grounds that it should be deemed an illegal contract due to the limited mental capacity of the tenant C.H. at the time of signing.

I advised the parties that this matter would be more appropriately addressed if and when the landlord was to make an application for an order of possession based upon the mutual agreement to end tenancy.

The tenants' an application for an order for the landlord to comply with the Act is also dismissed.

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: December 20, 2019

Residential Tenancy Branch