



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR FF / CNR

### Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- an order of possession for unpaid rent and utilities pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Tenant:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;

The hearing was conducted by conference call. The tenant did not attend this hearing. The landlord advised the tenant vacated the rental unit approximately mid-January 2020; therefore, the tenant's application to dispute a 10 Day Notice is moot. The landlord confirmed that they do not require an order of possession.

### Preliminary Issue: Service of Landlord's Application

The landlord explained that they were out of the country at the time of filing their application and that the tenant vacated the rental unit before they were able to serve a copy of their application on the tenant.

As the landlord has not served the tenant with the landlord's application for dispute resolution, the landlord's application is dismissed with leave to reapply.

Conclusion

The tenant's application is dismissed without leave to reapply.

The landlord's application is 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: February 04, 2020

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Residential Tenancy Branch