



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for unpaid rent or utilities.

The tenant and the landlord attended the hearing, and the landlord's building manager also attended.

At the commencement of the hearing the parties agreed that the tenant has vacated the rental unit and the landlord has possession of it. Therefore, I dismiss the tenant's application.

The landlord requested a monetary order for outstanding rent and submitted that the Residential Tenancy Branch gave that advice. The *Residential Tenancy Act* states:

- 55 (4) In the circumstances described in subsection (2) (b), the director may, without any further dispute resolution process under Part 5 [*Resolving Disputes*],
- (a) grant an order of possession, and
  - (b) if the application is in relation to the non-payment of rent, grant an order requiring payment of that rent.

Section 55 (2) (b) states:

- (2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

(b) a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired;

In this case, the tenant did dispute the notice, and given that I have no application from the landlord and the tenant did not agree, I declined to make such an order.

### Conclusion

For the reasons set out above, the tenant's application is hereby 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: December 11, 2020

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Residential Tenancy Branch