



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROS AGENCIES LTD and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNR-MT RP

Introduction

This hearing was convened as a result of a tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The tenant applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated November 9, 2020 (10 Day Notice), for more time to dispute the 10 Day Notice and for regular repairs to the unit, site or property.

The tenant, an agent for the landlord company, KM (agent) and a property manager for the landlord company, AD (property manager) attended the teleconference hearing. The parties gave affirmed testimony. Neither party raised any concerns regarding the service of documentary evidence in relation to the application from the tenant before me. Therefore, I find that both parties were sufficiently served in accordance with the Act.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Preliminary and Procedural Matters

Firstly, at the outset of the hearing, the agent referred to a previous decision file number (previous decision), the file number of which has been included on the style of cause of this decision for ease of reference. In that decision, the tenancy has already been ordered to end as of December 24, 2020 with a 2-day Order of Possession granted by way of an application made through the Direct Request process. Given the above, I find that this matter is now moot as the tenancy has already ended under the Act based on the previous decision. That previous decision was dated January 21, 2021.

Secondly, the parties also confirmed their email addresses during the hearing. This decision will be emailed to both parties at the email addressed confirmed during the hearing.

Analysis and Conclusion

The tenant's application is dismissed without leave to reapply as I find that it is now moot given that the tenancy has already ended based on a January 21, 2021 previous decision, which refers to an undisputed December 2020 10 Day Notice. Furthermore, the tenancy was ordered ended as of December 24, 2020 with a 2-day Order of Possession already granted in the previous decision.

I do not grant a further Order of Possession under the Act as a 2-day Order of Possession was already granted dated January 21, 2021.

As the filing fee was waived, I do not grant the filing fee.

This decision will be emailed to both parties as described above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 11, 2021

Residential Tenancy Branch