



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for an Order to cancel the 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice").

The Tenant, the Landlord, and two agents for the Landlord, G.B. and D.D. ("Agents"), appeared at the teleconference hearing and gave affirmed testimony. I explained the hearing process to the Parties and gave them an opportunity to ask questions about the hearing process. During the hearing the Tenant and the Landlord were given the opportunity to provide their evidence orally and to respond to the testimony of the other Party. I reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules"); however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

In her Application, their Tenants seek to cancel an eviction notice in order to remain in the rental unit. However, the Tenants said that they moved out of the rental unit on April 9, 2021, and therefore, they no longer need a remedy from the RTB in this regard.

Section 55 of the Act states that if a tenant's application to cancel a notice to end tenancy is dismissed, and I am satisfied that the notice complies with the requirements of section 52, I must grant the landlord an order of possession. However, neither Party uploaded a copy of the 10 Day Notice for my consideration. As such, I am unable to determine if it is compliant with section 52, as to form and content.

As a result, I dismiss the Tenant's claim without leave to reapply, and I decline to award the Landlord with an order of possession following this dismissal.

Conclusion

The Tenant's Application to cancel the 10 Day Notice is dismissed without leave to reapply, as the Tenant has already moved out of the rental unit. Further, as no one submitted a copy of the 10 Day Notice for my consideration, I cannot determine if it is

consistent with section 52 of the Act, as to form and content. Accordingly, I decline to award the Landlord with an order of possession of the rental unit, as it is irrelevant, anyway, now that the Tenant has moved out.

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: April 21, 2021

Residential Tenancy Branch