



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "**Notice**") pursuant to section 46.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:12 am in order to enable the tenant to call into this teleconference hearing scheduled for 11:00 am. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord testified that the tenant had vacated the rental unit on March 7, 2021, without paying the rental arrears owed. He testified that the tenant provided him with a promissory note for \$1,300 prior to vacating (he submitted an unsigned copy of this note into evidence).

I accept the landlord's testimony as true and that the tenant no longer resides at the rental unit and has failed to pay rent arrears of \$1,300. As the tenant has vacated the rental unit, his application to cancel the Notice is moot.

Accordingly, I dismiss the application, without leave to reapply.

As the tenant has already moved out, there is no need for me to issue an order of possession pursuant to section 55(1) of the Act.

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: May 3, 2021

Residential Tenancy Branch