



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, FFT

The tenant filed an Application for Dispute Resolution on March 18, 2021 for a cancellation of the One-Month Notice to End Tenancy for Cause (the “One-Month Notice”) issued by the landlord. Additionally, they applied for a cancellation of a 10-Day Notice to End Tenancy for Unpaid Rent (the “10-Day Notice”). Additionally, they applied for reimbursement of the Application filing fee.

The landlord and tenant both attended the hearing to speak to the issue at hand. Both parties confirmed they received the prepared evidence of the other in advance of the hearing.

The tenant verified they did not receive a 10-Day Notice prior to this Application. Their indication in the Application that they did was made in error. In line with this, I amend the Application to remove this issue.

At the start of the hearing the tenant provided that they already moved out from the rental unit on May 16, 2021. Despite this, they attended the hearing to dispute the reasons the landlord provided for issuing the notice, concerning the reasons of allegedly having an additional tenant, that they were allegedly smoking in the unit, and they violated a rule concerning the use of the elevator. The One-Month Notice issued by the landlord on March 17, 2021 gave the landlord’s reasons for its issuance. In the hearing, both parties had the opportunity to speak to these issues.

Given that the tenancy has ended, the validity of the One-Month Notice is not in issue. There is no basis for a decision on whether the tenancy shall continue or end based on a test of the validity of the One-Month Notice.

For this reason, I dismiss the tenant’s Application. As they did not withdraw their Application, I grant no repayment of the Application filing fee.

Conclusion

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

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: June 30, 2021

Residential Tenancy Branch