



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, RP, OLC, FFT

Introduction

On September 15, 2021, the Tenant filed an Application for Dispute Resolution under the *Residential Tenancy Act* (“the *Act*”) to cancel a 10-Day Notice to End Tenancy for Unpaid Rent (the “Notice”) issued on September 10, 2021, for an order for the Landlord to comply with the *Act*, and to recover the filing fee they paid for this application. The matter was set for a conference call.

The Landlord, the Landlord’s Legal Counsel and the Tenant attended the hearing and were each affirmed to be truthful in their testimony.

The Tenant testified they moved out of the rental unit on January 2, 2022, in accordance with a 2-Month Notice to end Tenancy for Landlord’s use of the Property that they had been served and that they no longer need to dispute the 10-day Notice.

I accept the Tenant’s testimony that they vacated the rental unit on January 2, 2021, in accordance with a separate Notice to end tenancy issued by the Landlord.

I find that this tenancy has already ended in accordance with the *Act* and that there is no requirement to determine the validity of the 10-Day Notice the Tenant filed to dispute in these proceedings. Therefore, I dismiss the Tenant’s application to cancel the 10-Day notice.

As this tenancy has already ended in accordance with the *Act*, I find that there is no requirement for a determination of the other item applied for in the Tenants application, of an order for the Landlord to comply with the *Act*.

Finally, section 72 of the *Act* gives me the authority to order the repayment of a fee for an application for dispute resolution. As there was no need to determine the validity of the Tenant's claims made in their application, I decline to award the recovery of the Tenant's filing fee.

Conclusion

The Tenant's application is dismissed.

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: January 28, 2022

Residential Tenancy Branch