



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice") issued on September 2, 2021.

Only the tenant appeared at the hearing. As the landlords did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail sent on September 21, 2021 Canada post tracking numbers were provided as evidence of service.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the landlords have been duly served in accordance with the Act.

The tenant testified that they vacated the premises on October 31, 2021. The tenant stated they only disputed the Notice because they were told by the landlord that they did not have to pay rent for September 2021 and October 2021 and would also be compensation four months of rent because the property had sold, and they had done some yard work for the landlords. Filed in evidence is a copy of the agreement signed by the landlord BS, which notes the tenant will be paid four months of back rent.

In this case the tenancy ended on October 31, 2021. I find it not necessary to consider the tenant's application to cancel the Notice as the tenancy is over. I have not granted an order of possession to the landlords as the tenant has vacated. I have not granted a monetary order to the landlords for the unpaid rent for September 2021, as the landlords did not attend the hearing to refute the tenant's testimony. However, I make no finding whether or not rent for September 2021 is owed. If rent is owed the landlords are at liberty to make their own application.

Conclusion

The tenant's application to cancel the Notice is dismissed without leave to reapply.

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 18, 2022

Residential Tenancy Branch