



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, CNC, OLC

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's Ten Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 46;
- cancellation of the landlord's One Month Notice to End Tenancy for Cause ("1 Month Notice"), pursuant to section 47; and
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation*, or tenancy agreement, pursuant to section 62.

The tenant and her advocate attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

This hearing lasted approximately 9 minutes from 9:30 a.m. to 9:39 a.m. I monitored the teleconference line throughout this hearing. 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 tenant, the tenant's advocate, and I were the only people who called into this teleconference.

The tenant and her advocate confirmed their names and spelling. The tenant provided her mailing address, which she said is the rental unit where she is currently residing, for me to send a copy of this decision to her after the hearing. She confirmed that her advocate had permission to assist her at this hearing.

Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* does not permit recordings of any RTB hearings by any participants. At the outset of this hearing, the tenant affirmed, under oath, that she would not record this hearing.

I explained the hearing process to the tenant and her advocate. They had an opportunity to ask questions. They did not make any adjournment or accommodation requests.

At the outset of this hearing, the tenant confirmed that she resolved her application with the landlord, and she was not pursuing her claims at this hearing. I informed the tenant and her advocate that the tenant's entire application was dismissed without leave to reapply and the tenant could not reapply for the same relief in the future. They both confirmed their understanding of same.

Pursuant to section 55 of the *Act*, if I dismiss the tenant's application to cancel notices to end tenancy, the landlord is entitled to an order of possession if the notice(s) meet the requirements of section 52 of the *Act*.

Pursuant to section 55 of the *Act*, the landlord may be entitled to a monetary order for unpaid rent without filing a separate application, if the tenant applies to cancel a 10 Day Notice, I dismiss the tenant's application, and the notice meets the requirements of section 52 of the *Act*.

The landlord did not attend this hearing to request or provide evidence to obtain an order of possession or a monetary order. The landlord did not provide any documentary evidence for this hearing. Neither party provided a copy of the notices to end tenancy for this hearing. Accordingly, the landlord is not issued an order of possession or a monetary order against the tenant.

### Conclusion

The tenant's entire application is dismissed without leave to reapply.

The landlord is not issued an order of possession or a monetary order for unpaid rent, against the tenant.

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: October 13, 2022

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Residential Tenancy Branch