



Dispute Resolution Services

Page: 1

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 Tenants filed under the *Residential Tenancy Act* (the “Act”) to cancel a 10-Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”), issued September 7, 2022. The matter was set for a conference call.

The Landlord’s Agent (the “Landlord”) and the Tenant attended the hearing and were each affirmed to be truthful in their testimony. The Tenant and the Landlord were provided the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Should the Notice issued on September 7, 2022, be cancelled?
- If not, is the Landlord entitled to an order of possession?

Background and Evidence

The Tenant testified that they had already moved out of the rental unit, on November 30, 2022.

The Landlord agreed that they took back possession of the rental unit as of December 1, 2022.

The Landlord testified that there was no outstanding rent due for this tenancy as of the date of these proceedings.

Analysis

I accept the agreed-upon testimony of the Landlord and the Tenant, I find that this tenancy ended on November 30, 2022, the date the Tenant moved out of the rental unit.

As this tenancy has already ended in accordance with the *Act*, I find that there is no requirement for an Order of Possession.

Additionally, I accept the testimony of the Landlord that there is no outstanding rent due for this tenancy. Therefore, I find that there is no requirement for a Monetary Order in these proceedings.

As this tenancy has already ended and there is no outstanding rent due for this tenancy, I dismiss the Tenant's application to cancel the Notice before me.

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: February 3, 2023

Residential Tenancy Branch