

Dispute Resolution Services

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Residential Tenancy Branch Ministry of Housing

DECISION

<u>Dispute Codes</u> CNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the *Residential Tenancy Act* (the "Act") to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice") and to recover the cost of the filing fee.

A both parties appeared. The parties agreed that the tenancy has legally ended based on a Decision made on February 3, 2023, granting the landlord an order of possession based on a Two Month Notice to End Tenancy. The parties agreed that based on that decision no rent is owed.

As this tenancy has legally ended. I do not need to consider the merits of the Notice. I have not granted the tenant the cost of the filing fee as it appears they disputed the Notice because they refused to pay the rent until a repair was made. That is not grounds under the Act to withhold rent.

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: March 22, 2023

Residential Tenancy Branch