



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNR, CNE, FFT

### Introduction

The Tenant seeks the following relief under the *Residential Tenancy Act* (the “Act”):

- an order pursuant to s. 46 cancelling a 10-Day Notice to End Tenancy;
- an order pursuant to s. 48 cancelling a One-Month Notice to End Tenancy for End of Employment; and
- return of the filing fee pursuant to s. 72.

S.D. appeared as the Landlord’s agent. The Tenant did not attend the hearing, nor did someone attend on their behalf.

Pursuant to Rule 7.1 of the Rules of Procedure, the hearing began as scheduled in the Notice of Dispute Resolution. As the Tenant did not attend for her own application, the hearing was conducted in their absence as permitted by Rule 7.3 of the Rules of Procedure and concluded at 9:40 AM without the Tenant’s participation.

The Landlord’s agent affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

At the outset of the hearing, the Landlord’s agent advised that the Tenant vacated the rental unit on March 31, 2023. I was further advised that no 10-Day Notice to End Tenancy for unpaid rent was ever served and that the Tenant had paid all her rent.

I accept that the tenancy has come to an end upon the Tenant vacating the rental unit on March 31, 2023. I further accept that the Tenant misfiled her application disputing a

10-Day Notice to End Tenancy, despite one never having been served. Accordingly, I dismiss both claims under ss. 46 and 48 of the *Act* without leave to reapply.

I find that the application, in the end, was unnecessary such that the Tenant is not entitled to the return of their filing fee. I further dismiss the claim under s. 72 of the *Act* 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: April 03, 2023

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Residential Tenancy Branch