



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## DECISION

**Dispute Codes:** CNR-MT

### **Introduction**

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66.

Both parties attended the hearing. Pursuant to Rule 6.11 of the RTB Rules of Procedure, the Residential Tenancy Branch's teleconference system automatically records audio for all dispute resolution hearings. In accordance with Rule 6.11, persons are still prohibited from recording dispute resolution hearings themselves; this includes any audio, photographic, video or digital recording. Both parties confirmed that they understood.

Both parties confirmed that this application pertains to a 10 Day Notice dated October 7, 2022, which was dealt with as part of a Direct Request Proceeding on December 29, 2022. I note that the adjudicator had dismissed the landlord's application for an Order of Possession, and had cancelled the 10 Day Notice. The 10 Day Notice is of no force or effect.

Section 62(4)(a) of the *Act* states that an application should be dismissed if the application or part of an application does not disclose a dispute that may be determined under the *Act*. I exercise my authority under section 62(4)(b) of the *Act* to dismiss the tenant's application without leave to reapply as I find the issues requested moot because the 10 Day Notice referenced in this application was already cancelled, and is no longer in effect.

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