



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR-MT, RR, FFT

Introduction

A proceeding was conducted in response to the tenant's application on April 24, 2023, to dispute a 10 Day Notice to End Tenancy issued December 18, 2022 (the 10 Day Notice).

Jurisdiction

The tenant still resides in the rental unit. Both parties agree the landlord was granted an order of possession based on the 10 Day Notice through the Direct Request process decision dated May 5, 2023 (file number on the cover page of this decision).

On May 11, 2023, the tenant applied to review the order of possession. The Residential Tenancy Branch (RTB) dismissed the tenant's request for review consideration.

The tenant also applied for judicial review of the order of possession and was granted a stay of execution pending judicial review of the RTB decision from the BC Supreme Court.

Conclusion

Under section 58(2)(d) of the Residential Tenancy Act, I decline to hear the tenant's application to cancel the 10 Day Notice because the matter is pending judicial review at the BC Supreme Court.

The dismiss the tenant's request to reduce rent for repairs with leave to reapply. The tenant is not entitled to recover their filing fee.

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: June 6, 2023

Residential Tenancy Branch