



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR

Introduction

Under section 58 of the Residential Tenancy Act (the “Act”), this hearing dealt with the tenant’s May 4, 2023, application to the Residential Tenancy Branch for an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to section 46(4)(b) of the Act.

The tenant attended the hearing while the landlord did not. The tenant testified under oath that the tenant served a *Notice of Dispute Resolution Proceeding* on the landlord by registered mail. There is proof of tracking information submitted into evidence. It is my finding that the landlord was served with the required notice in compliance with the Act.

Preliminary Issue – landlord already has possession of rental unit

The tenant affirmed that the tenant already left the rental unit and the landlord currently has possession of the rental unit. The current application before me to cancel the Notice is moot since the landlord already has possession of the rental unit.

Section 62(4)(b) of the Act states that an application should be dismissed if the application or part of an application for dispute resolution 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 application to cancel the Notice.

Conclusion

The application is dismissed 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: June 24, 2023

Residential Tenancy Branch