



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BRITE SIDE COMMUNITY HOMES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, CNC, CNL, CNL-4M

### Introduction

This hearing was scheduled to convene at 11:00 a.m. on February 6, 2024 concerning an application made by the tenant seeking orders cancelling a notice to end the tenancy for unpaid rent or utilities; an order cancelling a notice to end the tenancy for cause; an order cancelling a notice to end the tenancy for landlord's use of property and an order cancelling a notice to end the tenancy for demolition or conversion of the rental unit to another use.

An Advocate for the tenant attended the hearing and gave oral submissions. However, the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the landlord joined the call.

The tenant's Advocate submitted that a previous hearing was held on January 25, 2024, during which the landlord agreed to cancel the 10 Day Notice to End Tenancy For Unpaid Rent or Utilities, and the tenancy continues. The tenant suffers from a brain injury and could not recall if he had been served any other notices to end the tenancy. During that hearing the landlord confirmed there were no other notices to end the tenancy.

I advised the tenant's Advocate that I would review the resulting Decision of the January 25, 2024 hearing, which indicates that the tenant had applied for an order cancelling a notice to end the tenancy for unpaid rent or utilities. The parties had agreed to settle that dispute and the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities that was served on December 20, 2023 was cancelled.

In this case, there is no evidence at all from either party. As a result, I find that this hearing may be moot, in that a portion of the tenant's application has been dealt with at a previous hearing. Therefore, I dismiss the balance of the tenant's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this application.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed with 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: February 07, 2024

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Residential Tenancy Branch