



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes CNL, MT, MNDC, MNSD

### Introduction

This hearing was scheduled for 11:00 a.m. on this date, via teleconference call, to deal with the tenant's application to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice") and more time to make the application; and, a Monetary Order for damage or loss under the Act, regulations or tenancy agreement, and return of the security deposit. At the commencement of the hearing the landlord appeared along with a person assisting him; however, the tenant did not appear despite leaving the teleconference call open until 11:12 a.m.

Since the tenant did not appear at the hearing to present a basis for her application and the landlord appeared and was prepared to respond to the tenant's claims, I dismissed the tenant's application to cancel the 2 Month Notice and request for compensation for damage or loss under the Act, regulations or tenancy agreement without leave. I dismissed the tenant's request for return of the security deposit with leave as I found that request was made prematurely since the tenancy was still in effect when she filed.

Section 55 of the Act provides that I must provide the landlord with an Order of Possession if the tenant's application to cancel a Notice to End Tenancy is dismissed and the Notice to End Tenancy meets the form and content requirements of the Act. In this case, the landlord testified that the rental unit property was sold and he is no longer an owner of the property, as of September 29, 2016, and he does not know whether the tenant continues to occupy the rental unit. Accordingly, I considered the landlord before me to be a former landlord and that it would be inappropriate to issue the former landlord an Order of Possession. Therefore, an Order of Possession is not provided to the former landlord.

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: November 08, 2016

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Residential Tenancy Branch

