



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution (the Application) pursuant to the *Residential Tenancy Act* ("the *Act*") for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice) pursuant to section 49; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

The landlord and the tenant attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

At the outset of the hearing the landlord testified that the tenant has moved out of the rental unit as of December 20, 2017.

The tenant confirmed this to be true and indicated that they are no longer disputing the Two Month Notice.

Analysis

As the landlord and tenant agreed that this tenancy has ended, the tenant's Application to dispute the Two Month Notice is dismissed.

Pursuant to section 55 of the *Act*, if the tenant's application to cancel a notice to end tenancy is dismissed, the landlord is entitled to an Order of Possession if it meets the requirements of section 52 of the *Act*.

As the landlord testified that they do not require an Order of Possession, I do not issue an order of possession to the landlord.

Conclusion

The tenant's 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: January 18, 2018

Residential Tenancy Branch