



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, CNC, OPL, OPC

Introduction

This hearing was scheduled for 11:00 a.m. on this date, via teleconference call, to deal with a tenant's application to cancel a *2 Month Notice to End Tenancy for Landlord's Use of Property* ("2 Month Notice") or orders to set conditions on the landlord's right to enter the rental unit; and, a landlord's application for an Order of Possession for cause and landlord's use. The tenant subsequently filed an Amendment to withdraw the request to cancel the 2 Month Notice and to dispute the 1 Month Notice to End Tenancy for Cause served upon her.

The tenant appeared at the hearing; however, there was no appearance on part of the landlords despite leaving the teleconference call open at least 10 minutes in order to permit the landlords the opportunity to appear.

I explored service of hearing documents with the tenant. The tenant testified that she served her original Application to the landlord by registered mail sent on August 25, 2018; she sent her Amendment to the landlord by registered mail sent on September 6, 2018, and she sent her evidence to the landlord by registered mail sent on September 21, 2018. The tenant testified that she was not served with the landlord's Application although she acknowledged that she had not been living at the property after August 22, 2018.

The tenant stated that she returned possession of the rental unit to the landlords on September 30, 2018. The tenant indicated that she intended to present evidence to demonstrate that her tenancy should not be ended for cause and the 1 Month Notice should be cancelled. Having heard the tenant has vacated the rental unit and already returned possession of the rental unit to the landlords pursuant to the 2 Month Notice I find both applications are now moot and I consider the matter resolved. As such, it is not necessary to further consider whether the 1 Month Notice should be upheld or

cancelled or whether the landlords are entitled to an Order of Possession pursuant to section 55(1) of the Act.

The tenant did not pay a filing fee for her Application and I make no award for recovery of a filing fee. The landlords did not appear at the hearing and I make no award for recovery of a filing fee they may have paid.

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: October 05, 2018

Residential Tenancy Branch