



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes CNL

### Introduction and Preliminary Matters

On September 4, 2019, the Tenant applied for a Dispute Resolution proceeding seeking to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Notice") pursuant to Section 49 of the *Residential Tenancy Act* (the "Act"); however, from the Tenant's Application, it appears as if the Tenant was actually served a One Month Notice to End Tenancy for Cause. On September 12, 2019, this Application was set down for a participatory hearing on November 1, 2019 at 9:30 AM.

The Tenant did not attend the 13-minute hearing. However, the Landlord did attend the hearing. All in attendance provided a solemn affirmation.

The Landlord advised that the Tenant was not allowed to return to the rental unit unless accompanied by the RCMP. As such, he gave up vacant possession of the rental unit on September 28, 2019 when his son, who was also a tenant, conducted a move-out inspection with the Landlord and then returned the keys. As the Tenant has vacated the rental unit, an Order of Possession is not necessary to be granted. Furthermore, as the Tenant did not attend the hearing, I dismiss his Application without leave to reapply.

### Conclusion

Based on the above, I dismiss the Tenant's Application without leave to reapply. As the Tenant has vacated the rental unit, an Order of Possession was not necessary to be granted.

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 1, 2019

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Residential Tenancy Branch