



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNL

Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) to cancel a One Month Notice to End Tenancy for Cause (the “One Month Notice”), and to cancel a Two Month Notice to End Tenancy for Landlord’s Use of Property (the “Two Month Notice”).

The Tenant and Landlord were present for the hearing and were affirmed to be truthful in their testimony. The Landlord confirmed receipt of the Notice of Dispute Resolution Proceeding package and a copy of the Tenant’s evidence. The Tenant confirmed receipt of the Landlord’s evidence.

Issues to be Decided

Should the One Month Notice be cancelled?

If the One Month Notice is upheld, is the Landlord entitled to an Order of Possession?

Should the Two Month Notice be cancelled?

If the Two Month Notice is upheld, is the Landlord entitled to an Order of Possession?

Background and Evidence

The Tenant stated that she moved out of the rental unit on November 5, 2019. The Landlord was in agreement that the Tenant moved out on November 5, 2019 and that he has possession of the rental unit back.

Analysis

As the parties confirmed that the tenancy ended on November 5, 2019, I find that the two notices to end tenancy are no longer in dispute and a decision about whether the notices should be cancelled or not is no longer relevant. Instead, I accept the testimony of the Tenant that she moved out and the testimony of the Landlord that he has possession of the rental unit. Therefore, the Tenant's application is dismissed without leave to reapply.

Conclusion

The tenancy ended on November 5, 2019. The Tenant's application to dispute the One Month Notice and the Two Month Notice is no longer relevant and therefore the Application for Dispute Resolution 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: December 09, 2019

Residential Tenancy Branch