



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding AWM ALLIANCE REAL ESTATE GROUP LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNL

### Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on December 8, 2019 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Two Month Notice") dated November 22, 2019.

The hearing was scheduled for 11:00 A.M. on January 16, 2020 as a teleconference hearing. Only the Tenant appeared and provided affirmed testimony. No one appeared for the Landlord. The conference call line remained open and was monitored for 11 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Tenant and I were the only persons who had called into this teleconference.

At the start of the hearing, the Tenant indicated that he would like to withdraw his Application to cancel the Two Month Notice, as he has found a new residence, and has provided the Landlord with a 10 Day Notice to End Tenancy effective January 24, 2020, which is before the effective date of the Two Month Notice.

I accepted the Tenant's request to have the Application withdrawn, therefore, the Application was withdrawn accordingly. I note that Section 55 of the *Act* requires that when a tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a landlord I must consider if the landlord is entitled to an order

of possession if the Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with the *Act*.

As no one attended the hearing for the Landlord, I find that the Landlord is not entitled to an order of possession.

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 16, 2020

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Residential Tenancy Branch