Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: CNC

Introduction

In this dispute, the tenant sought to cancel a One Month Notice to End Tenancy for Cause (the "Notice") under section 47 of the *Residential Tenancy Act* (the "Act").

The tenant filed an application for dispute resolution on July 8, 2020 and a dispute resolution hearing was first held, by teleconference, on August 11, 2020 at 11:00 AM. This matter was reconvened to September 11, 2020 as a result of an error made by me during the first hearing. (Briefly, I erroneously dismissed the application on the basis that the landlord could not issue a One Month Notice to End Tenancy for Cause at the time that he did, which in fact he had the legal right to do so. This is explained further in my Interim Decision.)

At the September 11, 2020 hearing only the landlord attended; the tenant did not.

Preliminary Issue: Tenant No Longer In Rental Unit

The landlord explained that the tenant no longer lived in the rental unit and moved out not long after the hearing of August 11, 2020. The landlord went on to explain the reasons why the Notice was issued, which included reasonable steps that the landlord took in trying to keep out certain undesirable guests of the tenant.

Given that the tenant no longer resides in the property, I will not reproduce the landlord's evidence further. However, as I commented to the landlord during the hearing, the steps taken were reasonable in the circumstances in light of COVID-19 safety concerns.

As the tenant is no longer occupying the rental unit and is now gone, I have determined that an order of possession is unnecessary, as it would have little no legal effect at this point.

Conclusion

I order that the tenant's application is hereby cancelled.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: September 11, 2020

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Residential Tenancy Branch