



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL, CNL, OLC, FF

### Introduction

This was a cross-application hearing for Dispute Resolution under the *Residential Tenancy Act* (“the Act”). The matter was set for a conference call hearing.

On August 5, 2020, the Tenant applied to cancel a Two Month Notice to End Tenancy for Landlord’s Use of Property, and for an order for the Landlord to comply with the Act, Regulation, or tenancy agreement.

On August 7, 2020, the Landlord applied requesting an order of possession based on the issuance of a Two Month Notice to End Tenancy for Landlord’s Use of Property dated June 28, 2020.

The Tenant and Landlord attended the hearing. I introduced myself and the participants. The parties were provided with the opportunity to present oral testimony and to make submissions during the hearing.

### Preliminary and Procedural Matters

The Tenant attended the hearing and testified that he moved out of the rental unit on August 29, 2020.

The Landlord testified that she is not able to confirm that the Tenant has moved out.

The Tenant testified that since he has vacated the rental unit, he is in agreement that the Landlord can have an order of possession for the rental unit.

The Landlord agreed and requested an order of possession for the rental unit, which can be enforced if she finds that the Tenant has not vacated.

Section 44 of the Act provides that a tenancy ends if a Tenant vacates or abandons the rental unit.

I find that the tenancy ended on August 29, 2020 when the Tenant vacated the rental unit. Since the tenancy has ended there is no need to consider whether or not the tenancy will end based on issuance of a Two Month Notice to End Tenancy for Landlord's Use of Property dated June 28, 2020.

The Tenant's and the Landlord's applications are dismissed in their entirety.

### Conclusion

The tenancy ended on August 29, 2020 when the Tenant vacated the rental unit.

If needed, the Landlord is granted an order of possession effective two (2) days after service on the Tenant.

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: September 15, 2020

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Residential Tenancy Branch