



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, LRE, OLC**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order to cancel a One Month Notice To End Tenancy for Cause pursuant to sections 47 and 55;
- An order to suspend a landlord's right to enter the rental unit pursuant to section 70; and
- An order for the landlord to comply with the Act, Regulations and/or tenancy agreement pursuant to section 62.

The applicant/tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:10 a.m. to enable the tenant to call into this teleconference hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord attended the hearing and testified that the tenant did not serve him with any Application for Dispute Resolution or evidence. The landlord testified that he had called the Residential Tenancy Branch and the information officer advised him that this hearing was scheduled. The information officer provided the landlord with the access codes to upload evidence and call into the teleconference hearing.

The landlord further testified that the tenant was removed from the rental unit by bailiffs after the landlord successfully applied for an order of possession by direct request for unpaid rent or utilities. A copy of the adjudicator's order was provided as evidence by the landlord and the file number is recorded on the cover page of this decision. The

landlord testified the tenant was removed from the rental unit on November 25, 2020 by the bailiffs.

Analysis

Pursuant to section 44(1)(d), I find the tenancy ended when the tenant vacated the rental unit in accordance with the adjudicator's order of possession dated November 4, 2020.

As the tenancy has ended, it is not necessary for me to determine the merits of whether the landlord's One Month Notice To End Tenancy for Cause was valid and I make no findings with respect to its validity. As the tenant has already moved out of the rental unit, it is not necessary for an order of possession to be granted.

Likewise, the tenant's other issues are dismissed without leave to reapply since the tenancy has ended.

Conclusion

The tenant's application 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 08, 2020

Residential Tenancy Branch