



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Notice") issued on January 2021, with an effective vacancy date of April 1, 2021.

Only the landlord's agent and new property owner attended. The agent stated that they received a text message from the tenant yesterday, May 10, 2021 that they had vacated the premise. The new property owner confirmed the tenant had vacated. I note the Residential Tenancy Branch digital file shows that they received a telephone call yesterday, May 10, 2021, from the tenant requesting to withdraw this application.

In this case, I do not find it necessary to consider the tenant's application as the tenancy has legally end. However, I find the tenant's application was clearly an abuse of the process, putting the landlord and buyer in a difficult position as funds were held back on the sale of the property due to the tenant's failure to comply with the Notice.

While the tenant had the right to file an Application for Dispute Resolution to dispute the Notice. However, vacating the premise the day before the hearing clearly support this was simply an attempt to get more time to vacate. This is an abusive of process. The tenants' 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: May 11, 2021

Residential Tenancy Branch