



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on February 12, 2021, wherein the Tenant sought to cancel a 2 Month Notice to End Tenancy for Landlord's Use issued on January 28, 2021 (the "Notice").

The hearing of the Tenant's Application was scheduled for teleconference at 9:30 a.m. on May 18, 2021. The line remained open while the phone system was monitored for ten minutes and at 9:40 a.m. the Tenant called into the hearing. He confirmed he moved from the rental unit on April 15, 2021 and as such did not wish to proceed with his application. Branch records indicate the Tenant called as early as February 26, 2021 as well as on April 22, 2021 requesting information on how to cancel his hearing.

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rule 5 deals with an Applicant's wish to withdraw an Application and provides in part as follows:

Withdrawing an application to dispute a notice to end tenancy

Where a tenant has applied to dispute a landlord's notice to end tenancy, the applicant tenant requires the written consent of the landlord to withdraw their application.

As the Landlord did not call into the hearing, and the Tenant did not provide the Landlord's written consent to withdraw the application to dispute the Notice, the Tenant is not permitted to withdraw his Application. However, as the Tenant has vacated the rental unit, I find the relief sought in the Application to be moot. I therefore dismiss the Tenant's Application without leave to reapply.

This Decision is final and binding on the parties, except as otherwise provided under the Act, and 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 18, 2021

Residential Tenancy Branch