



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, FF

### Introduction

On March 2, 2021, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking to cancel a Two Month Notice to End Tenancy for Landlord Use of Property (“the Two Month Notice”).

The matter was set for a conference call hearing. The Landlords appeared at the hearing; however, the Tenant/ Applicant did not. The line remained open while the phone system was monitored for ten minutes and the Applicant did not call into the hearing during this time. Therefore, as the Applicant did not attend the hearing by 11:10 am, I dismiss the application without leave to reapply.

The Landlords stated that they purchased the rental property and gave notice for vacant possession of the rental unit. The previous owner issued a Two Month Notice to End Tenancy for Landlords Use of Property dated February 8, 2021 to the Tenant. The reason for ending the tenancy cited within the Notice is:

*All of the conditions for the sale of the rental unit have been satisfied and the purchaser has asked the Landlord in writing to give this Notice because the purchaser or close family member intends in good faith to occupy the rental unit.*

The Two Month Notice provides information for Tenants who receive the Notice. The Notice provides that a Tenant has the right to dispute it within 15 days after it is received by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Tenant disputed the Two Month Notice but failed to attend the hearing to pursue the dispute.

The Landlords stated that the Tenant moved out of the rental unit on April 1, 2021. The Landlords stated that they do not require an order of possession for the rental unit.

### Analysis

I find that the Tenant vacated the rental unit prior to the hearing and did not attend the hearing.

The Tenant's application to cancel the Two Month Notice to End Tenancy for Landlord's Use of Property dated February 8, 2021, is dismissed without leave to reapply.

Under section 55 of the Act, when a tenants application to cancel a notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the landlord an order of possession.

The Landlords did not require an order of possession and an order of possession was not issued.

### Conclusion

The tenancy ended when the Tenant vacated the rental unit prior to the hearing.

The Tenant's application to cancel the Two Month Notice to End Tenancy for Landlord's Use of Property dated February 8, 2021, 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: June 08, 2021

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Residential Tenancy Branch