



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FFT / OPL FFL

Introduction

This hearing dealt with two applications pursuant to the *Residential Tenancy Act* (the “**Act**”). The landlord’s application for:

- an order of possession pursuant to section 55; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

And the tenants’ application for:

- the cancellation of the Two Month Notice to End Tenancy for Landlord’s Use of Property (the “**Notice**”) pursuant to section 49; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 11:10 am in order to enable the tenants to call into this teleconference hearing scheduled for 11:00 am. The landlord’s agent (“**TB**”) attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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 TB and I were the only ones who had called into this teleconference.

TB stated that the tenants vacated the rental unit on May 31, 2021. As such, she testified that the landlord no longer requires an order of possession. Accordingly, I order that the Notice is cancelled and of no force or effect. Additionally, I dismiss the landlord’s application without leave to reapply. I decline to order that the either party reimburse the other their filing fees.

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: July 22, 2021

Residential Tenancy Branch