



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL, OLC**

Introduction

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

1. Cancellation of the Two Month Notice to End Tenancy for Landlord's Use of Property ("Two Month Notice") pursuant to sections 49 and 62 of the Act; and,
2. An order for the landlord to comply with the Act, regulations and tenancy agreement pursuant to section 62(3) of the Act.

The hearing was conducted via teleconference. The Landlord attended the hearing at the appointed date and time and provided affirmed testimony. The Tenant did not attend the hearing. 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 was advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. The Landlord testified that they were not recording this dispute resolution hearing.

Background and Evidence

I have reviewed all written and oral evidence and submissions before me; however, only the evidence and submissions relevant to the issues and findings in this matter are described in this decision.

At the outset of the hearing, the Landlord testified that the Tenant had abandoned the rental unit on July 1, 2021, and that the tenancy has ended. The Landlord said that the Tenant left their belongings and is in hiding.

This periodic tenancy began on October 1, 2015. Monthly rent is \$860.00 payable on the first day of each month. A security deposit of \$425.00, and a pet damage deposit of \$425.00 were collected at the start of the tenancy and are still held by the Landlord.

The Landlord asked questions about monetary matters left remaining from the tenancy. I directed the Landlord to speak to an Information Officer to seek further instructions in this regard.

Analysis

This matter concerns an application to cancel a Two Month Notice to end tenancy for landlord's use, and to order the landlord to comply with the Act, regulations and the tenancy agreement.

As the Tenant has abandoned the rental unit, and accepted the Landlord's notice to end tenancy, the tenancy has come to an end. The Director has no authority to adjudicate the Tenant's claims in this application to cancel the landlord's Two Month Notice or to order the Landlord to comply with the Act, regulations or tenancy agreement.

Section 62(4)(a) and (b) of the Act states that the director may dismiss all or part of an application for dispute resolution if there are no reasonable grounds for the application or part, or the application or part does not disclose a dispute that may be determined under this Part.

Consequently, I find that the application does not disclose a dispute that may be determined, and I dismiss the application without leave to re-apply.

Conclusion

The Tenant's application is dismissed without leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: October 04, 2021

Residential Tenancy Branch