



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, FFT
 CNR, FFT

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date concerning 2 applications made by the tenant. The first application seeks an order cancelling a notice to end the tenancy for unpaid rent or utilities; an order cancelling a notice to end the tenancy for cause; and to recover the filing fee from the landlord for the cost of the application. The second application seeks an order cancelling a notice to end the tenancy for unpaid rent or utilities and to recover the filing fee from the landlord.

The landlord attended the hearing prepared to respond to the tenant's applications, however indicated that the tenant had not served any of the required documents upon the landlord. The landlord also advised that the tenant vacated the rental unit without notice to the landlord on or about August 15, 2021.

The line remained open while the telephone system was monitored for more than 10 minutes and no one for the tenant joined the call. Therefore, I dismiss the tenant's applications in their entirety without leave to reapply.

The *Residential Tenancy Act* specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord so long as the notice given is in the approved form. In this case, the landlord advised that the tenant has vacated the rental unit and the landlord has possession. Therefore, I decline to issue an Order of Possession.

Conclusion

For the reasons set out above, the tenant's applications are hereby dismissed in their entirety 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: October 25, 2021

Residential Tenancy Branch