



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL

### Introduction

This hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the “Act”) for an order to cancel a 2 Month Notice to End Tenancy for Landlord’s Use pursuant to sections 49 and 55.

The landlord attended the hearing with her spouse and her lawyer, KF. The tenant did not attend the hearing although I waited until 9:36 a.m. to enable the tenant to participate in this hearing scheduled for 9:30 a.m. 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 monitoring system that the landlords and I were the only ones who had called into this teleconference.

At the commencement of the hearing, the landlord provided affirmed testimony indicating that the tenant had vacated the rental unit on or about the effective date stated on the notice to end tenancy.

### Analysis

The tenant filed an application for dispute resolution seeking to cancel the Notice to End Tenancy on August 26, 2021. The tenant did not attend the hearing of this application to dispute the notice.

The landlord, who was in attendance, testified that the tenant had moved out of the rental unit as of October 31, 2021. Based on this evidence from the landlord, I find that the tenant accepted the validity of the Notice to End Tenancy or otherwise agreed to terminate the tenancy and, the tenant’s application seeking to cancel the Notice to End Tenancy is dismissed on this basis. As such, it is not necessary for me to determine on the merits whether the Notice to End tenancy was valid and I make no findings with respect to its validity. As the tenant has already moved out of the rental unit, it is not necessary for an order of possession to be granted.

Conclusion

Pursuant to section 44(1)(f), I order that the tenancy ended on October 31, 2021, the date the tenant vacated the rental unit.

This application to dispute the notice to end tenancy 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: January 07, 2022

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Residential Tenancy Branch