



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC; CNC, OLC

Introduction

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

- an order of possession for cause, pursuant to section 55.

This hearing also dealt with the tenant's application pursuant to the *Act* for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause, dated August 14, 2021 ("1 Month Notice"), pursuant to section 47; and
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62.

The landlord and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. This hearing lasted approximately 9 minutes.

Both parties confirmed their names and spelling. Both parties provided their email addresses for me to send this decision to them after the hearing. The landlord stated that she owns the rental unit and provided the rental unit address.

At the outset of this hearing, I informed both parties that recording of this hearing was not permitted by anyone, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules"). The landlord and the tenant both separately affirmed, under oath, that they would not record this hearing.

I explained the hearing and settlement processes to both parties. I informed them that I could not provide legal advice to them. They had an opportunity to ask questions, which I answered. They did not make any adjournment or accommodation requests.

Both parties confirmed receipt of the other party's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that both parties were duly served with the other party's application.

Pursuant to section 64(3)(c) of the *Act*, I amend the tenant's application to correct the first name of the landlord, to include her legal name, not her nickname. The landlord consented to this amendment during this hearing.

At the outset of this hearing, both parties confirmed that the tenant vacated the rental unit on October 25, 2021. The landlord stated that she did not require an order of possession against the tenant.

I informed both parties that both of their applications were dismissed in their entirety, without leave to reapply. I notified them that I would not issue an order of possession to the landlord against the tenant. They confirmed their understanding of same.

Conclusion

Both parties' applications are 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: January 20, 2022

Residential Tenancy Branch