



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes      CNC FFT / CNC OLC FFT

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

- the cancellation of a One Month Notice to End Tenancy for Cause dated September 15, 2021 and a One Month Notice to End Tenancy for Cause dated October 25, 2021 (collectively, the "**Notices**") pursuant to section 47;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fees for each application from the landlord pursuant to section 72.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:10 am in order to enable the tenant to call into the hearing scheduled to start at 11:00 am. The landlord's agent ("**DS**") 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 Dispute Resolution Proceeding. I used the teleconference system to confirm that DS and I were the only ones who had called into the hearing.

DS advised me that the tenant vacated the rental unit on December 31, 2021. As such, he stated that the landlord no longer required an order of possession. He consented to the Notices being cancelled and of no force or effect. As such, I cancel the Notices.

The tenant bore the evidentiary burden to prove that he was entitled to an order that the landlord comply with the Act. As the tenant did not attend the hearing, he failed to discharge this onus. I dismiss the tenant's application for such an order, without leave to reapply. I decline to order that the landlord reimburse either of the tenant's filing fee. I dismiss these portions of the tenant's applications, 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 28, 2022

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Residential Tenancy Branch