



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, FFT

Introduction

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

- cancellation of the Two Month Notice to End Tenancy Because the Tenant Does not Qualify for Subsidized Rental Unit (the "**Notice**") pursuant to section 49.1;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant attended the hearing. He was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 9:40 a.m. in order to enable the landlord to call into this teleconference 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 system that the tenant and I were the only ones who had called into this teleconference.

The tenant testified, and the landlord confirmed in a letter submitted to file, that the tenant served the landlord with the notice of dispute resolution form and supporting evidence package. The tenant confirmed that the landlord served the tenant with her evidence package. I find that all parties have been served with the required documents in accordance with the Act.

At the outset, I advised the parties of rule 6.11 of the Rules of Procedure (the "**Rules**"), which prohibits participants from recording the hearing. The parties confirmed that they were not recording the hearing. I also advised the parties that pursuant to Rule 7.4, I would only consider written or documentary evidence that was directed to me in this hearing.

Preliminary Issue

The tenant called in to advise that the matter was resolved, as confirmed in the letter submitted to the Residential Tenancy Branch file by the landlord. The landlord withdrew the Two (2) Month Notice and reimbursed the tenants \$100.00 for the filing fee.

In view of the above, I dismiss the tenant's application in its entirety, without leave to reapply.

Conclusion

As all matters were resolved by the parties prior to the hearing, the tenant's application 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 20, 2022

Residential Tenancy Branch