



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, OL
 CNL, OLC, FFT

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”). The matter was set for a conference call.

The Landlord’s Application for Dispute Resolution was made on September 29, 2021. The Landlord applied to enforce a Two-Month Notice to End Tenancy for Landlord’s Use of the Property (the “Notice”) issued on August 31, 2021. The matter was set for a conference call.

The Tenant’s Application for Dispute Resolution was made on September 15, 2021. The Tenant applied to cancel a Two-Month Notice to End Tenancy for Landlord’s Use of the Property (the “Notice”) issued on August 31, 2021, for an Order for the Landlord comply with the Act, and to recover the filing fee paid for their application.

The Landlord attended the conference call hearing; however, the Tenant did not. As the Tenant is also an applicant in this hearing, I find that the Tenant had been duly notified of the Notice of Hearing in accordance with the *Act*.

The Landlord was affirmed to be truthful in their testimony and was provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Should the Notice to End Tenancy be cancelled?
- If not, is the Landlord entitled to an order of possession pursuant to section 55 of the Act?
- Should the Landlord be ordered to comply with the Act?
- Is the Tenant entitled to the return of their filing fee?

Background and Evidence

This hearing was scheduled for a teleconference hearing on this date.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. Rule 7.3 of the Rules of Procedure stipulates that an Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

This hearing was scheduled to commence at 1:30 p.m. on February 7, 2022. I called into the teleconference at 1:30 p.m.; the line remained open while the phone system was monitored for ten minutes, and the only participant who called into the hearing during this time was the Landlord. Therefore, as the Tenant did not attend the hearing by 1:41 p.m. and the Landlord appeared and was ready to proceed, I dismiss the Tenant's application without leave to reapply.

The Landlord testified that the Tenant moved out of the rental unit on October 31, 2021, and that they no longer require and order of possession for the rental unit.

Analysis

I find that the Tenant's Application for Dispute Resolution has been abandoned.

I find that the Landlord's Application for Dispute Resolution has been withdrawn.

Conclusion

The Tenant's application is dismissed without leave to reapply.
The Landlord's Application for Dispute Resolution has been withdrawn.

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: February 7, 2022

Residential Tenancy Branch