



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the “Act”) for an order to cancel a 1 Month Notice to End Tenancy for Cause, pursuant to sections 47 and 55.

The tenant attended the hearing, the landlord did not. The tenant testified that he served the landlord with the Notice of Dispute Resolution Proceedings on October 5, 2021 by leaving a copy of it with the person working the reception desk at the hotel where the rental unit is located. I deem the Notice of Dispute Resolution Proceedings sufficiently served for the purposes of this hearing on October 5, 2021 pursuant to sections 89 and 90 of the Act.

Preliminary Issue

The tenant testified that he moved out of the rental unit on September 2, 2021, and that he no longer resides at the hotel. Based on the tenant’s undisputed testimony, I treat the tenant’s vacating of the property as the tenant’s acceptance of the validity of the notice to end tenancy and I make an order that the tenancy ended on September 2, 2021, pursuant to section 44(1)(f) of the Act.

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.

Section 62(4) allows the director to dismiss an application if there are no reasonable grounds for the application or if the application does not disclose a dispute that may be determined under Part 5 of the *Residential Tenancy Act*. As this tenancy has already ended, I find the tenant’s application falls under section 62(4) and I dismiss it without leave to reapply.

Conclusion

This 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: February 01, 2022

Residential Tenancy Branch