



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNQ, FFT**

Introduction

This hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the “Act”) for:

- An order to cancel a 2 month notice to end tenancy issued because the tenant does not qualify for subsidized rental unit, pursuant to section 49.1; and
- Authorization to recover the filing fee from the other party pursuant to section 72.

The tenant/applicant did not attend the hearing although I left the teleconference portal open throughout the hearing which commenced at 9:30 a.m. and ended at 9:35 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 landlord and I were the only ones who had called into this teleconference.

The landlord XZ attended the hearing and testified that on December 31, 2021, the tenant had moved out of the rental unit pursuant to an agreement. This information matches the internal records stored on the Residential Tenancy Branch dispute management system that indicates the tenant called the Residential Tenancy Branch information line on January 6, 2022, and advised he, the tenant, moved out and that the tenant wishes to withdraw his application for dispute resolution seeking to dispute the landlord’s notice to end tenancy.

Analysis

The tenant filed an application for dispute resolution seeking to cancel the Notice to End Tenancy and did not attend the hearing of this application. Based on the undisputed evidence from the landlord, I find that the tenant accepted the validity of the Notice to End Tenancy or otherwise agreed to terminate the tenancy and, the tenant’s application seeking to cancel the Notice to End Tenancy is dismissed on this basis. 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. As the tenant has already moved out of the rental unit, it is not necessary for an order of possession to be granted.

The tenant's application was not successful, and the tenant is not entitled to recovery of the \$100.00 filing fee for the cost of this application.

Conclusion

Pursuant to section 44(1)(f), I find the tenancy ended on December 31, 2021. 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: March 17, 2022

Residential Tenancy Branch