



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC-MT, LRE, OLC

Introduction

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

- more time to make an application to cancel the landlord's One Month Notice to End Tenancy for Cause ("1 Month Notice"), pursuant to section 66;
- cancellation of the landlord's 1 Month Notice, pursuant to section 47;
- an order to restrict the landlord's right to enter the rental unit, pursuant to section 70;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62; and

The landlord did not attend this hearing, which lasted approximately 12 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

This hearing began at 9:30 a.m. and ended at 9:42 a.m. I monitored the teleconference line throughout this hearing. 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 people who called into this teleconference.

The tenant confirmed his name and spelling. He provided his email address for me to send this decision to him after the hearing. He confirmed the rental unit address.

At the outset of this hearing, I informed the tenant that recording of this hearing was not permitted by anyone, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules"). The tenant affirmed, under oath, that he would not record this hearing.

At the outset of this hearing, I explained the hearing process to the tenant. He had an opportunity to ask questions, which I answered. He did not make any adjournment or accommodation requests.

At the outset of this hearing, the tenant confirmed that he vacated the rental unit on February 1, 2022. He stated that he did not require any of the claims in his application, since he moved out. I informed him that his entire application was dismissed without leave to reapply, as all claims relate to an ongoing tenancy only. He confirmed his understanding of same.

Pursuant to section 55 of the *Act*, if I dismiss the tenant's application to cancel a 1 Month Notice, the landlord is entitled to an order of possession if the notice meets the requirements of section 52 of the *Act*.

The landlord did not appear at this hearing or request an order of possession. Further, the tenant vacated the rental unit. Also, the tenant confirmed that he did not receive a 1 Month Notice on the approved RTB form, he only received a letter from the landlord. Therefore, the landlord is not issued an order of possession against the tenant.

Conclusion

The tenant's entire application is dismissed without leave to reapply.

The landlord is not issued an order of possession against the tenant.

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 29, 2022

Residential Tenancy Branch