



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL**

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 for Landlord’s Use pursuant to sections 49 and 55.

The applicant/tenants did not attend this hearing, although I left the teleconference hearing connection open until 9:40 a.m. to enable the tenants 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 landlord and I were the only ones who had called into this teleconference.

The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord acknowledged being served with the tenants’ Application for Dispute Resolution Proceedings Package and didn’t have any concerns with timely service of documents.

The landlord testified that the tenants had vacated the rental unit on July 4th or July 5th and that she does not require an order of possession.

Analysis

The tenants filed an application for dispute resolution seeking to cancel the Notice to End Tenancy on March 28, 2022. The tenants did not attend the hearing of this application. The landlord, who was in attendance, testified that the tenant had moved out of the rental unit as of July 5, 2022. Based on this evidence from the landlord, I find that the tenants 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.

Conclusion

I order that the tenancy ended on July 5, 2022, pursuant to section 44(1)(f). As such, the tenants' application seeking to dispute the notice to end tenancy 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: July 15, 2022

Residential Tenancy Branch