



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BRENTVIEW DEVELOPMENTS
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL-4M

Introduction and Preliminary Matters

On April 7, 2022, the Landlord applied for a Dispute Resolution proceeding seeking an Order of Possession based on a Four Months' Notice to End Tenancy For Demolition or Conversion of a Rental Unit (the "Notice") pursuant to Section 49 of the *Residential Tenancy Act* (the "Act").

On April 20, 2022, this Application was set down for a hearing on August 4, 2022 at 9:30 AM.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The 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.

I dialed into the teleconference at 9:30 AM and monitored the teleconference until 9:37 AM. Only the Landlord dialed into the teleconference during this time. 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 was the only other person who had called into this teleconference.

At the outset of the hearing, I informed the Landlord that recording of the hearing was prohibited and he was reminded to refrain from doing so. As well, he provided a solemn affirmation.

He advised that the Tenant gave up vacant possession of the rental unit as of July 5, 2022.

As the Tenant has already given up vacant possession of the rental unit, I find that it is unnecessary to consider the merits of the Notice or grant an Order of Possession. As such, I dismiss the Landlord's Application without leave to reapply.

Conclusion

I dismiss the Landlord's Application for Dispute Resolution 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: August 4, 2022

Residential Tenancy Branch