



# 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 did not attend the hearing, however the landlord did. The landlord testified that she was not served with a copy of the Notice of Dispute Resolution Proceedings by the tenant. The landlord first found out about the hearing because an email was sent to her from the Residential Tenancy Branch’s dispute management system. When the landlord called the Residential Tenancy Branch to find out what was happening, the Residential Tenancy Branch sent her a copy of the Notice of Dispute Resolution Proceedings.

The landlord testified that the tenant vacated the rental unit on or about October 31, 2022.

### Analysis

The tenant filed an application for dispute resolution seeking to cancel the Notice to End Tenancy on September 9, 2022. The tenant 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 October 31, 2022. Based on this 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.

Conclusion

I order that the tenancy ended on October 31, 2022 pursuant to section 44(1)(f). The tenant's application seeking to dispute the landlord's 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: January 23, 2023

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Residential Tenancy Branch