



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, LRE**

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; and
- An order suspending the landlord’s right to enter the rental unit pursuant to section 70.

The tenant did not attend this hearing, although I left the teleconference hearing connection open throughout the hearing which commenced at 9:30 a.m. and ended at 9:32 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 acknowledged being served with the Notice of Dispute Resolution Proceedings package from the tenant’s advocate. The landlord testified that the tenant had moved out of the rental unit on December 31, 2022.

Analysis

The tenant filed an application for dispute resolution seeking to cancel the Notice to End Tenancy on September 20, 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 December 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 December 31, 2022 pursuant to section 44(1)(f). The tenant's application seeking to cancel the notice to end tenancy is cancelled without leave to reapply.

As the tenancy has ended, the parties are no longer bound by a landlord/tenant relationship and I order the tenant's application seeking an order that the landlord's right to enter the rental unit be 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: February 06, 2023

Residential Tenancy Branch