



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

A matter regarding WIDSTEN PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **CNC, OLC**

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 for the landlord to comply with the Act pursuant to section 62.

The tenant did not attend 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 landlord and I were the only ones who had called into this teleconference.

The landlord attended the hearing, represented by property manager, TS (the “landlord”). The landlord testified that the tenant did not serve her with a copy of the Notice of Dispute Resolution Proceedings package and that she only found out about the hearing when an email was sent to her from the Residential Tenancy Branch.

Background and Evidence

The landlord testified that the tenant vacated the rental unit on or about December 2, 2022 and that the landlord has filed an application against the tenant seeking compensation. That hearing will take place in July, 2023. The landlord testified that since the unit was vacated by the tenant, the landlord does not require an Order of Possession.

Analysis

Based on the 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.

As the parties are no longer bound by a landlord/tenant relationship, the application seeking an order that the landlord comply with the Act is dismissed without leave to reapply.

Conclusion

Pursuant to section 44(1)(f), I find the tenancy ended on December 2, 2022. The tenant's application 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: March 13, 2023

Residential Tenancy Branch