



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNL, FFT

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property, dated November 26, 2022, and effective January 31, 2023 ("2 Month Notice"), pursuant to section 49; and
- authorization to recover the \$100.00 filing fee paid for this application, pursuant to section 72.

The landlord and "tenant AMD" did not attend this hearing, which lasted approximately 6 minutes. Tenant AE ("tenant") attended this hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The hearing began at 11:00 a.m. and ended at 11:06 a.m. I monitored the teleconference line throughout 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 tenant and I were the only people who called into this teleconference.

The tenant provided the names and spelling for him, tenant AMD, and the landlord. He confirmed the rental unit address. He provided his email address for me to send a copy of this decision to both tenants after the hearing.

The tenant stated that he had permission to represent tenant AMD at this hearing (collectively "tenants").

Rule 6.11 of the Residential Tenancy Branch (“RTB”) *Rules of Procedure (“Rules”)* does not permit recordings of any hearings by any participants. At the outset of this hearing, the tenant affirmed, under oath, that he would not record this hearing.

I explained the hearing process to the tenant. He had an opportunity to ask questions. He did not make any adjournment or accommodation requests.

At the outset of this hearing, the tenant confirmed that the tenants vacated the rental unit. He said that this application was settled with the landlord. He stated that the tenants were not pursuing this application, including recovery of the \$100.00 filing fee. I informed the tenant that the tenants’ entire application was dismissed without leave to reapply. He affirmed his understanding of same.

The landlord did not appear at this hearing, request an order of possession, or provide evidence regarding the 2 Month Notice. Therefore, I do not issue an order of possession to the landlord, against the tenants.

#### Conclusion

The tenants’ entire application is dismissed without leave to reapply.

The landlord is not issued an order of possession against the tenants.

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: April 17, 2023

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Residential Tenancy Branch