



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNE, LRE

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- cancellation of a One Month Notice to End Tenancy for end of employment, pursuant to section 48; and
- an order to restrict or suspend the landlord's right of entry, under section 70.

Respondent TH (the landlord) called into this teleconference at the date and time set for the hearing of this matter. Although I waited until 1:40 P.M. to enable the applicant to connect with this teleconference hearing scheduled for 1:30 P.M., the applicant did not attend. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlord and I were the only persons who had called into this teleconference.

The landlord confirmed receipt of the notice of hearing from the tenant and that she had enough time to review it.

The landlord received an email from the tenant on April 28, 2023 at 9:16 AM. The landlord read the email during the hearing: "I have vacated the suite and cancelled the hearing. They will confirm with you the cancellation. I left the keys on the counter."

The Residential Tenancy Branch received a request to cancel the hearing on April 28, 2023.

The landlord affirmed that three agents observed the tenant moving on April 28, 2023 between 7 and 9:00 AM.

The landlord has not inspected the rental unit because she decided to wait for the hearing.

Considering the tenant served the notice of hearing, did not attend the hearing and requested the Residential Tenancy Branch to cancel the hearing, the email sent on April 28, 2023 at 9:16 AM and the landlord's convincing testimony that three agents observed the tenant moving out, I find the tenant moved out and the tenancy ended.

I find the tenant's application is moot, as the tenancy ended.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the application.

Conclusion

I dismiss the application 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: May 1, 2023

Residential Tenancy Branch