



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNC, OT, FFT**

Introduction

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act ("Act") for orders as follows:

- cancellation of the landlords' One Month Notice to End Tenancy for Cause ("One Month Notice") pursuant to section 47
- reimbursement of the filing fee pursuant to section 72
- additional relief as set out below

While the respondent landlord attended the hearing by way of conference call, the applicant tenant did not, although I waited until 9:40 am in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 am. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Rule 7.1 of the Rules of Procedure provides as follows:

7.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The landlord advised that she served the One Month Notice dated January 1, 2023, with an effective date of January 31, 2023 by posting it to the tenant's door on January 2,

2023. She listed the method of service on the One Month Notice. Pursuant to sections 88 and 90 of the Act the tenant is deemed to have been served with this notice in accordance with the Act.

At the outset of the hearing the landlord advised that the tenant vacated the rental unit. The landlord did not provide a specific date that the tenancy ended. The landlord stated that she is not seeking an order of possession. While I find under section 55 of the Act that the landlord is entitled to an order of possession, based on their affirmed testimony, an order of possession is no longer required.

Conclusion

The tenant's application is dismissed. An order of possession will not be issued.

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 05, 2023

Residential Tenancy Branch