



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

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

- cancellation of a 2 Month Notice to End Tenancy for Landlord's Use of Property pursuant to section 47 of the *Act*.

While the Respondent Landlord attended the hearing by way of conference call, the Applicant Tenant did not, although I waited until 11:10 A.M. in order to enable the Applicant Tenant to connect with this teleconference hearing scheduled for 11:00 A.M. The Respondent Landlord was given a full opportunity to be heard, to present 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.

Following opening remarks, the landlord explained that the parties had reached a mutual agreement to end the tenancy, and the tenant had vacated the property on November 15, 2018. The landlord said an Order of Possession related to the 2 Month Notice issued on October 1, 2018 was not required because the rental unit in question had been returned to him.

Analysis

Section 55(1) of the Act reads as follows:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

(a) the landlord's notice to end tenancy complies with section 52{form and content of notice to end tenancy}, and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

Based on the 2 Month Notice entered into written evidence by the tenant, I find that the landlord's 2 Month Notice complied with section 52 of the Act. The tenant's failure to attend this hearing and present evidence relating to his application leads me to order that his application to cancel the 2 Month Notice is dismissed without liberty to reapply.

Conclusion

The tenant's application to cancel the landlord's 2 Month Notice is dismissed without liberty 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: November 22, 2018

Residential Tenancy Branch