



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNQ-MT, FFT

Introduction

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

- more time to make an application to cancel the landlord's Two Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit ("2 Month Notice"), pursuant to section 66;
- cancellation of the landlord's 2 Month Notice, pursuant to section 49.1; and
- authorization to recover the \$100.00 filing fee paid for this application, pursuant to section 72.

The landlord and "tenant AR" did not attend this hearing, which lasted approximately 11 minutes. Tenant KR ("tenant") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

This hearing began at 9:30 a.m. and ended at 9:41 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 confirmed her name and spelling. She stated that she had permission to represent tenant AR, who she said is her husband, at this hearing. She provided her email address for me to send this decision to both tenants after the hearing. She confirmed the rental unit address.

Rule 6.11 of the Residential Tenancy Branch *Rules of Procedure* does not permit recording of this hearing by any party. At the outset of this hearing, the tenant affirmed, under oath, that she would not record this hearing.

I explained the hearing process to the tenant. I informed her that I could not provide legal advice to her. She had an opportunity to ask questions, which I answered. She did not make any adjournment or accommodation requests.

At the outset of this hearing, the tenant confirmed that the tenants vacated the rental unit on April 1, 2022, and they did not want to pursue their entire application. I notified the tenant that the tenants' entire application was dismissed without leave to reapply, including the \$100.00 filing fee. She confirmed her understanding of same.

Pursuant to section 55 of the *Act*, if I dismiss the tenants' application to cancel a 2 Month Notice, the landlord is entitled to an order of possession if the notice meets the requirements of section 52 of the *Act*.

The landlord did not attend this hearing to provide evidence or request an order of possession based on the 2 Month Notice. Therefore, the landlord is not issued an order of possession 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: June 14, 2022

Residential Tenancy Branch