



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 for Dispute Resolution (the Application) filed by the Tenant under the *Residential Tenancy Act* (the Act), seeking:

- Cancellation of a Two Month Notice to End Tenancy for Landlord's Use of Property (Two Month Notice).

The hearing was convened by telephone conference call at 9:30 A.M. (Pacific Time) on September 27, 2022, and was attended by the Tenant and the Tenant's advocate S.W. (the Advocate). No one appeared on behalf of the Landlord. The Tenant and Advocate were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

The Residential Tenancy Branch Rules of Procedure (the Rules of Procedure) state that the respondent must be served with a copy of the Application and the Notice of Hearing. As neither the Landlord nor an agent for the Landlord attended the hearing, I confirmed service of these documents as explained below.

The Advocate testified that they sent the Notice of Dispute Resolution Proceeding (NODRP) to the Landlord by registered mail on June 3, 2022, and provided me with the registered mail tracking number, which I have recorded on the cover page of this decision. Pursuant to rule 90(a) of the Act, I find that the Landlord was therefore deemed served on June 8, 2022. Residential Tenancy Branch (Branch) records indicate that the NODRP was emailed to the Tenant on June 1, 2022. As a result, I find that the Landlord was sufficiently served with the NODRP for the purpose of the Act and the Rules of Procedure.

Rule 7.1 of the Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. I verified that the hearing information contained in the NODRP was correct, and I note that the Tenant and the Advocate had no difficulty attending the hearing using this information. As the Tenant, the advocate, and I attended the hearing on time and ready to proceed, and I was satisfied as set out above that the Landlord was deemed served with the NODRP for the purpose of the Act on June 8, 2022, I therefore commenced the hearing as scheduled at 9:30 A.M. on September 27, 2022, despite the absence of the Landlord, pursuant to rule 7.3 of the Rules of Procedure. Although the teleconference remained open for the full 29-minute duration of the hearing, no one attended the hearing on behalf of the Landlord.

The Tenant and the Advocate were advised that pursuant to rule 6.10 of the Rules of Procedure, interruptions and inappropriate behavior would not be permitted and could result in limitations on participation, such as being muted, or exclusion from the proceedings. The Tenant and Advocate were asked to refrain from speaking over one another and to hold their questions and responses until it was their opportunity to speak. The Tenant and Advocate were also advised that pursuant to rule 6.11 of the Rules of Procedure, recordings of the proceedings are prohibited, except as allowable under rule 6.12, and the parties confirmed that they were not recording the proceedings.

Preliminary Matters

At the start of the hearing the Tenant testified that they have since complied with the Two Month Notice and vacated the rental unit on July 31, 2022. The Two Month Notice in the documentary evidence before me is signed and dated May 8, 2022, has an effective date of July 31, 2022, and states that the tenancy is being ended because the child of the Landlord or the child of the Landlord's spouse intends in good faith to occupy the rental unit. At the hearing, the Tenant and Advocate confirmed that these are the correct details for the Two Month Notice served on and subsequently complied with by the Tenant.

Conclusion

As the Tenant has already complied with the Two Month Notice and moved out of the rental unit in compliance with it, I therefore dismiss the Tenant's Application seeking cancellation of the Two Month Notice 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: September 27, 2022

Residential Tenancy Branch