



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, CNL, FF

Introduction

This hearing was scheduled to hear the tenant's application to cancel a *1 Month Notice to End Tenancy for Cause* (the 1 Month Notice) and a *2 Month Notice to End Tenancy for Landlord's Use of Property* (the 2 Month Notice). The tenant also requested recovery of the filing fee in making the application. Both parties appeared at the hearing and had an opportunity to be heard.

Background and Evidence

I heard undisputed testimony that the landlord personally served the tenant with the 2 Month Notice on March 23, 2009. The 2 Month Notice had an effective date of May 31, 2009 and indicated that the reason for ending the tenancy was that the rental unit would be occupied by the landlord, or a close family member of the landlord. The landlord also served the tenant with a 1 Month Notice; however, the landlord conceded that the 1 Month Notice was issued in error. The landlord explained that the rental unit will be occupied by herself or her daughter after repairs are made to the septic system.

The tenant testified that he vacated the rental unit by April 18, 2009 after giving the landlord 10 days notice. The tenant confirmed that his rent was pro-rated for April and that he was compensated the equivalent of one month's rent. The tenant was willing to withdraw his request for the filing fee as he acknowledged some additional cleaning was required in the rental unit.

Both parties agreed that their dispute had been resolved since the tenant filed the Application for Dispute Resolution.

During the hearing, both parties were informed of the tenant's right to additional compensation under section 51(2) of the Act if the landlord does not fulfill the reason for ending the tenancy, as stated on the 2 Month Notice, for six months starting within a reasonable amount of time after the tenancy ended.



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Analysis

As the tenant gave notice and vacated the rental unit, there was no longer a need to hear this case and I dismissed it. As the tenant withdrew his request for recovery of the filing fee, I make no order with respect to recovery of the filing fee.

Conclusion

The tenant has vacated the rental unit and the tenant's application was dismissed.

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: April 21, 2009.

Dispute Resolution Officer