



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes CNL, FF, OLC, RP

Introduction

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

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

This matter was originally heard on October 10, 2017 whereby the landlord was granted an order of possession. The tenant did not participate in the October 10, 2017 hearing. The tenant filed an application for Review Consideration and was successful in that application to have this matter reheard. Both parties participated in today's hearing.

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Issues to be Decided

Should the original decision be confirmed, amended or set aside?

Preliminary Issue

At the outset of the hearing both parties advised and confirmed that the tenant had moved out on October 29, 2017 and that the landlord was in possession of the unit. The tenant wanted to proceed with a hearing to show that he was correct in his original application that the landlord issued the notice in bad faith and that the tenant should have a "win" registered on this file.

Analysis

I find that the determination and decision requested by the tenant is not appropriate. The tenant chose to move out and to not challenge the notice to end tenancy. It is not appropriate for me to undertake a purely academic exercise especially when he chose to abandon his claim. Based on the agreed fact that the tenant has vacated the unit, and that the tenancy is terminated, nothing further from the Branch is required.

Conclusion

The original decision and order are confirmed.

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 14, 2017

Residential Tenancy Branch