



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Remax Little Oak Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing, via telephone conference call, was held on February 5, 2018. The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- Cancel the Landlord's 2-Month Notice to End Tenancy for Landlord's Use of Property (the 2-Month Notice).

Both parties were present at the hearing and provided testimony. Both parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matters

The Tenant filed an amendment to this application and was also looking for monetary compensation. However, as discussed during the hearing, the amendment was filed late (as per the rules of procedure) and any monetary claim would have to reapply for. I explained to the parties that the amendment would not be allowed in this hearing, and the Tenant would be granted leave to reapply for monetary compensation.

During the hearing, the Tenant testified that he has now moved out of the rental unit. As such, I find the Tenant's application to cancel the 2-Month Notice is no longer required

and I dismiss it without leave to reapply. Further, as the landlord has regained possession of the rental unit, they no longer required an order of possession, pursuant to section 55 of the *Act*. As no findings were made with respect to the merit of the Tenant's initial application, I decline to award him the recovery of the filing fee.

Conclusion

I dismiss the Tenant's application to cancel the 2-Month Notice, without leave to reapply. The Tenant is granted leave to reapply for any monetary compensation.

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: February 05, 2018

Residential Tenancy Branch