



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was 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 (the “Two Month Notice”).

The hearing was convened by telephone conference call and was attended by the Tenant and agent for the Landlord (the “Agent”), both of whom provided affirmed testimony. At the outset of the hearing the Tenant testified that he moved out of the rental unit on June 1, 2018, as he was worried that he would have little time to find a place, pack, and move out of the rental unit should he not be successful in the hearing.

Based on the testimony of the Tenant, I find that the he voluntarily ended the tenancy when he moved out June 1, 2018, which is one month prior to the effective date of the Two Month Notice. As the Tenant sought only the recovery of the filing fee and cancellation of the Two Month Notice, I find that the validity of the Two Month Notice is a moot point in this hearing as the tenancy has already ended. As a result, I dismiss the Tenant’s Application seeking cancellation of the Two Month Notice without leave to reapply. As the Tenant was unsuccessful in his Application, I decline to grant him recovery of the filing fee.

As both parties agree that the tenancy has ended and that the tenant has moved out, I therefore find it unnecessary to assess whether the Landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*.

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 21, 2018

Residential Tenancy Branch