



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

On July 23, 2018, the Tenant submitted an Application for Dispute Resolution under the Residential Tenancy Act (“the Act”) seeking to cancel a 2 Month Notice to End Tenancy for Landlord Use of Property, and to recover the filing fee for the Application.

The matter was set for a conference call hearing. Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence, orally and in written and documentary form, and 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 and Procedural Matters

The Tenant testified that he moved out of the rental unit on August 31, 2018, prior to the hearing to determine whether or not the tenancy is ending based on the issuance of a 2 Month Notice To End Tenancy For Landlord’s Use Of Property dated July 1, 2018.

Since the Tenant has accepted the 2 Month Notice To End Tenancy For Landlord’s Use Of Property and has moved out of the rental unit, there is no need to proceed with the hearing.

The Tenant is at liberty to reapply for dispute resolution seeking compensation should the Landlord fails to use the rental unit for the purpose stated within the Notice for 6 months after the effective date of the Notice.

The Tennats application to cancel the 2 Month Notice To End Tenancy For Landlord's Use Of Property dated July 1, 2018, is dismissed in its entirety.

Since the Tenant has moved out of the rental unit, the Landlord does not require an order of possession for the rental unit.

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 17, 2018

Residential Tenancy Branch