



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution (the Application) pursuant to the *Residential Tenancy Act* ("the Act") for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice) pursuant to section 49; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord and the tenant attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The tenant had an advocate attend the hearing

At the outset of the hearing the tenant submitted that they have moved out of the rental unit as of March 03, 2019. The advocate submitted that they were seeking to negotiate further financial terms with the landlord regarding the Two Month Notice. The tenant confirmed that they have not paid the rent for March 2019 as compensation for the Two Month Notice.

The landlord confirmed that they now have possession of the rental unit. The landlord declined to negotiate any further financial terms and indicated that they had an upcoming hearing regarding the security deposit.

Analysis

As the landlord and tenant agreed that this tenancy has ended, the tenant's Application to dispute the Two Month Notice is dismissed, without leave to reapply.

Pursuant to section 55 of the *Act*, if the tenant's application to cancel a notice to end tenancy is dismissed, the landlord is entitled to an Order of Possession if it meets the requirements of section 52 of the *Act*.

As the landlord confirmed that they do not require an Order of Possession, I do not issue an order of possession to the landlord.

As the tenant was not successful in their Application to have the Two Month Notice cancelled, I dismiss their request to recover the filing fee, without leave to reapply.

Conclusion

The Application is dismissed in its entirety, without leave to reapply.

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: March 19, 2019

Residential Tenancy Branch