



# 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 pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property, dated June 24, 2019 ("2 Month Notice"), pursuant to section 49; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord's agent ("landlord") and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The hearing began at 11:00 a.m. The tenant disconnected from the hearing, without warning, at 11:07 a.m., after yelling at me about her application and the filing fee. The hearing ended at 11:09 a.m.

Both parties agreed that the tenant vacated the rental unit on July 31, 2019 and the landlord received the keys back from the tenant. The landlord confirmed that she was not seeking an order of possession against the tenant.

I notified the tenant that her application to recover the \$100.00 filing fee was dismissed without leave to reapply, as she moved out of the rental unit and there was nothing for me to decide at this hearing. The tenant became upset and began yelling that she was forced to move out of the unit and the landlord failed to do repairs for mold from a previous application. I notified the tenant that the only application before me was to cancel the 2 Month Notice, but since she moved out and returned the rental unit keys, I did not have to decide the notice on its merits.

The filing fee is a discretionary award issued to a successful party after a full hearing on the merits. As I was not required to have a full hearing on the merits and make a decision, I decline to award the filing fee to the tenant.

Conclusion

The landlord's 2 Month Notice, dated June 24, 2019, is cancelled and of no force or effect. The landlord is not entitled to an order of possession.

The tenant's application to recover the \$100.00 filing fee is dismissed 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: August 06, 2019

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Residential Tenancy Branch