



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL-2M FF

### Introduction

This hearing was convened pursuant to the Tenant's Application for Dispute Resolution made on September 19, 2019 (the "Application"). The Tenant applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a Two Month Notice to End Tenancy for Landlord's Use of Property, dated August 30, 2019 (the "Two Month Notice"); and
- an order granting recovery of the filing fee.

The Tenant and the Landlords attended the hearing at the appointed date and time and advised that the Tenant vacated the rental unit on October 1, 2019. Therefore, I find that the tenancy has ended, and it is not necessary for me to consider the merits of the Application. Therefore, the Tenant's request for an order cancelling the Two Month Notice is dismissed without leave to reapply.

The parties also advised that the Tenant submitted an amendment to add a monetary claim to the Application. Notations made in the Service Portal suggest the amendment was received at the Residential Tenancy Branch on November 12, 2019. However, the amendment documents do not appear to have been uploaded to the Service Portal in advance of the hearing. Further, I note that when issues raised in a hearing involve whether or not the tenancy will continue and claims for compensation, the latter are frequently severed pursuant to Rule of Procedure 2.3. In this case, it is likely that the Tenant's claim for compensation, made only 14 days before the scheduled hearing, would have been severed. Therefore, I find that the Tenant's request for compensation is dismissed with leave to reapply at a later date at the Tenant's discretion. This is not an extension of any statutory deadline.

As the Tenant vacated the rental unit in accordance with the Two Month Notice, I decline to grant recovery of the filing fee paid to make the Application.

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: November 26, 2019

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Residential Tenancy Branch