



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNQ, OLC, FFT

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- Cancellation of a Two Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit (the Notice), pursuant to section 49;
- An order requiring the landlord to comply with the *Act*, regulations, and/or tenancy agreement pursuant to section 62; and
- Recovery of the filing fee, pursuant to section 72 of the *Act*.

Both parties attended and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

As both parties were in attendance, I confirmed that there were no issues with service of the notice of hearing and the evidence (the materials). The landlord confirmed receipt of the tenant's materials. The landlord affirmed he did not submit any evidence. In accordance with sections 88 and 89 of the *Act*, I find that the landlord was duly served with the materials.

At the outset of the hearing both parties agreed the rental unit was voluntarily vacated on April 19, 2020.

The landlord affirmed she does not have negative remarks about the tenants and she wishes them the best.

The application for cancelling the Notice and for an order for the landlord to comply is moot since the tenancy has ended and the landlord has possession of the rental unit.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the application for cancellation of the Notice and for an order for the landlord to comply.

As the tenants moved out voluntarily, the tenants must bear the cost of the filing fee.

Conclusion

I dismiss the tenants' application in its entirety.

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: May 19, 2020

Residential Tenancy Branch