



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

The tenant filed an Application for Dispute Resolution on September 1, 2020 for a cancellation of the One-Month Notice to End Tenancy for Cause (the “One-Month Notice”) issued by the landlord. Additionally, they applied reimbursement of the Application filing fee.

The landlord and tenant both attended the hearing to speak to the issue at hand. Both parties confirmed they received the prepared evidence of the other in advance of the hearing.

At the start of the hearing the tenant provided that they already moved out and found a place early. They paid the rent for the month of September and moved out from the unit by September 30, 2020.

Despite this, they attended the hearing to dispute the reasons the landlord provided for issuing the notice, concerning the reason that they were smoking in the unit. The One-Month Notice issued by the landlord on August 31, 2020 gave reasons for its issuance. In the hearing, both parties had the opportunity to speak to that specific issue.

Given that the tenancy has ended, the validity of the One-Month Notice is not in issue. There also is no need for a decision on the landlord’s compliance with the *Act*, the regulations, and/or the tenancy agreement. The issues are concluded.

The tenant also raised the issue of a concurrent Two Month Notice to End Tenancy for Landlord’s Use of Property issued on August 18, 2020. They stated they did not take issue with this document or the dates ending the tenancy. The tenant made the inquiry on whether they were eligible for one month rent free as stipulated in the *Act* when a tenancy ends in this manner. I decline to decide this matter: the tenant applied for this hearing only to decide the validity of the One-Month Notice; and, a decision on rent reimbursement properly concerns a monetary claim. On both of these issues, the

landlord shall properly be afforded the opportunity to answer directly and provide evidence on those issues concerning a separate notice to end tenancy.

For these reasons, I dismiss the tenants Application. As they did not withdraw their Application, I grant no repayment of the Application filing fee.

Conclusion

The tenants' Application 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 *Act*.

Dated: October 16, 2020

Residential Tenancy Branch