



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

landlord application:	OPL, FFL
tenant application:	OLC, CNL, FFT

Introduction

On September 9, 2020 the landlord applied for an order of possession of the rental unit, and a monetary order for reimbursement of the application filing fee.

On September 10, 2020 the tenant applied for dispute resolution for an order cancelling the Two-Month Notice to End Tenancy for Landlord's Use of Property (the "Two-Month Notice"). Additionally, they applied for an order that the landlord comply with the legislation and/or the tenancy agreement, and reimbursement of the application filing fee.

Because the tenant filed an application in the same matter, this was linked as a cross application and the files were heard conjointly. The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the "Act") on November 2, 2020. Both the landlord and the tenant attended the conference call. Both parties confirmed their receipt of the documentary evidence prepared by the other in advance of the hearing.

In the hearing, the tenant provided that they already moved out of the unit on September 30, 2020. Despite this, they attended the hearing to dispute the reasons the landlord provided for issuing the notice, concerning the actual use of the unit for the landlord's own family. They maintain the real reason concerned renovations to the unit which involves a different timeframe for the landlord to end the tenancy. The Two-Month Notice issued by the landlord on July 24, 2020 gave the landlord's 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 Two-Month Notice is not in issue. Both parties' applications are dismissed. There also is no need for a decision on the landlord's compliance with the *Act*, the regulations, and/or the tenancy agreement. These issues are concluded.

Because neither party was successful in their application, and did not withdraw, I grant neither the landlord nor the tenant repayment of the application filing fee.

Conclusion

The landlord's application is dismissed without leave to reapply.

The tenant's application is also 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: November 3, 2020

Residential Tenancy Branch