



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNQ-MT, OLC**

Introduction

The words tenant and landlord in this decision have the same meaning as in the Act, and the singular of these words includes the plural.

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

An order to cancel a Two Month's Notice to End Tenancy because the tenant does not qualify for subsidized rental unit, pursuant to section 49.1;

A request for more time to cancel a Notice to End Tenancy pursuant to section 66; and

An order for the landlord to comply with the Act, Regulations and/or tenancy agreement pursuant to section 62.

Both the landlord and the tenant KP ("tenant") attended the hearing. The landlord called in to the hearing at 9:30 a.m. and the tenant called in at 9:35 a.m. Neither party raised issues with service of documents during the hearing.

Preliminary Issue – tenant vacated rental unit

At the commencement of the hearing, the landlord advised me that the tenant had vacated the rental unit on November 2, 2020. The landlord testified that he gave the tenant the equivalent of one month's compensation for serving her with a Two Month's Notice to End Tenancy for Landlord's Use; he returned the tenant's full security deposit; and he returned the tenant's post-dated cheques for future rent. When the tenant called into the hearing, she verified the accuracy of the landlord's testimony.

The tenant is deemed to have accepted the tenancy ended when she vacated the rental unit. As the parties are no longer parties to a landlord/tenant relationship, the tenant's application that the (now former) landlord comply with the Act, Regulations or tenancy agreement cannot be granted. Pursuant to section 62(4), I must dismiss the tenant's

application as it does not disclose a dispute that may be determined under Part 5 of the *Act*.

Conclusion

The tenant's 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 *Residential Tenancy Act*.

Dated: December 18, 2020

Residential Tenancy Branch