



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes For the tenant: CNL, FF
For the landlord: OPL, MNDC, FF

Introduction

This hearing was convened as the result of the cross applications of the parties for dispute resolution seeking remedy under the Residential Tenancy Act (Act).

The tenant applied for the following:

- an order cancelling the Two Month Notice to End Tenancy for Landlord's Use of Property (Notice) issued by the landlords; and
- to recover the cost of the filing fee.

The landlords applied for the following:

- an order of possession of the rental unit pursuant to the Notice served to the tenant;
- compensation for a monetary loss or other money owed; and
- to recover the cost of the filing fee.

The tenant and landlord KG attended the hearing, at which time the parties agreed that the tenancy was over, as the tenant vacated the rental unit on December 31, 2020, according to the tenant.

As a result, I find the tenant's application seeking cancellation of the Notice and the portion of the landlords' application seeking an order of possession of the rental unit due to the Notice are moot as the tenancy has ended.

Analysis and Conclusion

Given the above, I dismiss the tenant's application and the portion of the landlords' application seeking enforcement of the Notice.

Additionally, the landlords applied for monetary compensation in the amount of \$0.01 to account for future costs, if necessary.

Either party may still seek monetary compensation from the other regarding this tenancy; however, it is clear the landlords' present claim is a place holder in the event costs are incurred between the date of their application and the hearing. While the landlords submitted a monetary order worksheet on or about February 1, 2021, this was evidence, and did not serve as an amendment to their application. I could therefore not consider this part of the landlords' application, and it is dismissed.

As the primary issue in both applications relate to the Notice, and as I have not considered the merits of the Notice for the reasons stated, I decline to award either party recovery of their filing fee.

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: February 5, 2021

Residential Tenancy Branch