



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, FFT

Introduction

This hearing dealt with the Tenants' Application for Dispute Resolution (the Application) pursuant to the *Residential Tenancy Act* ("the *Act*") for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice) pursuant to section 49;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord and the tenants attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. Tenant J.S. (the tenant) indicated that they would be the primary speaker for the tenants.

While I have turned my mind to all the documentary evidence, including the testimony of both parties, only the relevant details of the respective submissions and/or arguments are reproduced here.

The landlord acknowledged receipt of the Application and an evidentiary package. In accordance with sections 88 and 89 of the *Act*, I find that the landlord is duly served with the Application and evidence.

At the outset of the hearing the tenant testified that both tenants have moved out of the rental unit and that they were no longer disputing the Two Month Notice.

The landlord confirmed that they have possession of the rental unit and do not require an Order of Possession.

Analysis

As the tenants have moved out of the rental unit and are no longer disputing the Two Month Notice, their Application to cancel the Two Month Notice is dismissed, without leave to reapply.

As this tenancy has ended, I find that tenants' Application to have the landlord comply with the Act, Regulations or tenancy agreement is no longer applicable and it is dismissed, without leave to reapply.

As the tenants have not been successful in their Application, their request to recover the filing fee is dismissed, without leave to reapply.

Conclusion

I dismiss the tenants' Application in its entirety, 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: February 25, 2021

Residential Tenancy Branch