



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- cancellation of the Two Month Notice to End Tenancy for Landlord's Use (the Notice), issued pursuant to section 49, and
- an authorization to recover the filing fee for this application, under section 72.

Both parties attended the hearing. The tenant was assisted by advocate AH. The landlord was assisted by advocates DC and SM. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Preliminary Issue- Amendment to tenant's name

Tenant HZ affirmed in March 2020 he had a legal name change and his new name is HZ. Tenant HZ applied under his previous name TM because that is the name in the tenancy agreement.

To ensure the tenant's identity is accurately captured for the purpose of resolving this dispute, I have used my authority under Rule of Procedure 4.2 to amend the application to reflect both the tenant's name when the tenancy agreement was created and his current legal name.

Preliminary Issue – Vacant rental unit

At the outset of the hearing both parties agreed the tenant left the rental unit on January 30, 2021.

The tenant had applied to cancel the Notice so the tenancy could continue. This claim is now moot since the tenancy has ended.

Section 62(4)(b) of the Act the dismiss all or part of an application for dispute resolution which does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss this application for dispute resolution.

Accordingly, I dismiss the tenant's application in its entirety. The tenant must bear the cost of his filing fee.

Conclusion

I dismiss the tenant's application 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: March 05, 2021

Residential Tenancy Branch