



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL FFT

Introduction

This hearing was scheduled in response to the tenants' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property dated March 25, 2021 (2 Month Notice) and to recover the cost of the filing fee.

The tenant, the landlord and an agent for the landlord, JG (agent) attended the teleconference hearing. At the start of the hearing I introduced myself and the participants and the parties were given an opportunity to ask questions. The parties were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony evidence and to make submissions to me. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

The parties were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The parties were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the parties were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The parties did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition to the above, the parties confirmed their respective email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them.

The tenant stated that on May 31, 2021, they vacated the rental unit. As a result, the parties were advised that the tenant's application is now moot as the tenant vacated the rental unit since filing their application.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I find this matter is now moot as the tenant made the decision to accept the 2 Month Notice and vacate the rental unit.

As a result, I dismiss the application without leave to reapply as it is now moot.

I do not grant the filing fee as a result.

Conclusion

The application is dismissed without leave to reapply.

The filing fee is not granted.

This decision will be emailed to both parties as indicated above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: July 29, 2021

Residential Tenancy Branch