



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OLC, CNL, FFT**

Introduction

The words tenant and landlord in this decision have the same meaning as in the *Residential Tenancy Act*, (the "Act") and the singular of these words includes the plural.

This hearing dealt with an application filed by the tenants pursuant to the *Act* for:

- An order for the landlord to comply with the Act, Regulations and/or tenancy agreement pursuant to section 62;
- An order to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property pursuant to section 49; and
- Authorization to recover the filing fee for this application from the opposing party pursuant to section 72.

The tenants AR and JE attended the hearing ("tenants"); the landlord HC also attended the hearing ("landlord"). At the commencement of the hearing, the tenant AR testified that all of the tenants moved out of the rental unit at the end of July, 2021 and that AR has now purchased her own property. The tenant JE has moved in with AR and the tenant LS has moved elsewhere. The landlord's evidentiary material also states the tenants had moved out of the rental unit in her letter dated August 18, 2021.

Based on the evidence before me, I order that pursuant to section 44(1)(f), the tenancy ended on the date the tenants vacated the rental unit. I find that the tenants accepted the validity of the Notice to End Tenancy or otherwise agreed to terminate the tenancy. The tenant's application seeking to cancel the Notice to End Tenancy is dismissed on this basis. As such, it is not necessary for me to determine on the merits whether the Notice to End tenancy was valid and I make no findings with respect to its validity. As the tenant has already moved out of the rental unit, it is not necessary for an order of possession to be granted.

Likewise, the tenants' application seeking an order that the landlord comply with the *Act*, regulations or tenancy agreement is dismissed without leave to reapply as the parties are no longer bound by a landlord/tenant relationship.

As the tenant's application was not successful, the tenant is not entitled to recovery of the \$100.00 filing fee for the cost of this application.

Conclusion

The 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: August 31, 2021

Residential Tenancy Branch