



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL, FFT**

Introduction

This hearing dealt with the Applicants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

1. Cancellation of the Landlord's Two Month Notice to End Tenancy for landlord's use of property pursuant to sections 49(3) and 62 of the Act; and,
2. Recovery of the application filing fee pursuant to section 72 of the Act.

The hearing was conducted via teleconference. One Applicant and the Respondent called into the hearing.

Both parties were advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. Both parties testified that they were not recording this dispute resolution hearing.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Background and Evidence

At the outset of the hearing, the Applicant testified that they moved out of the rental unit on July 31, 2021, and that the tenancy has ended.

The Respondent testified that she is now using the rental unit as her sewing studio according to her intention to occupy the unit as part of her living space. The Respondent confirmed that an order of possession is no longer required.

Analysis

This matter concerns an application to cancel a Two Month Notice to End Tenancy for landlord's use.

As the Applicants accepted the Respondent's notice to end tenancy and the tenancy has come to an end, the Director has no authority to adjudicate the Applicants' claims in this application to cancel the Landlord's two month notice.

Section 62(4)(a) and (b) of the Act states that the director may dismiss all or part of an application for dispute resolution if there are no reasonable grounds for the application or part, or the application or part does not disclose a dispute that may be determined under this Part.

Consequently, I find that the application does not disclose a dispute that may be determined, and I dismiss the application without leave to re-apply.

As the Applicants were not successful in their claim, I find the Applicants are not entitled to recovery of the filing fee from the Respondent.

Conclusion

As the tenancy has ended, the Applicants' application is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: September 29, 2021

Residential Tenancy Branch