



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **CNL, OLC, FFT**

### Introduction

This hearing dealt with the Tenant's 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 Section 49 of the Act;
2. An Order for the Landlord to comply with the Act, regulations and tenancy agreement pursuant to Section 62(3) of the Act; and,
3. Recovery of the application filing fee pursuant to Section 72 of the Act.

The hearing was conducted via teleconference. The Landlord and the Tenant attended the hearing at the appointed date and time and provided affirmed testimony.

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.

At the outset of the hearing, the Tenants stated they moved out of the rental unit on September 27, 2021. The stated purpose for the 2 Month Notice to End Tenancy for Landlord's Use of Property (the "Two Month Notice") was that the rental unit will be occupied by the landlord or the landlord's close family member (parent, spouse or child; or the parent or child of that individual's spouse). Despite moving out, the Tenants testified that they do not accept the reasons on the Two Month Notice.

As this tenancy has ended based on the Two Month Notice served, I caution the Landlord to regard Section 51 of the Act regarding: **Tenant's compensation** after a

Section 49 notice, which comes into play when the Landlord does not fulfil the stated purpose in their notice.

In a situation where a tenancy has ended, the Director has no authority to order that either party comply with the Act, regulations or tenancy agreement. I find that this application does not disclose a dispute that may be determined under this part and I dismiss the application without leave to re-apply. Finally, as the Tenant was unsuccessful in their claim, they are not entitled to recovery of the filing fee.

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: November 04, 2021

---

Residential Tenancy Branch