



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 tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlords' Two Month Notice to End Tenancy for Landlord's Use of Property, dated June 30, 2021 ("2 Month Notice"), pursuant to section 49;
- an order requiring the landlords to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The two landlords (male and female) and the two tenants (male and female) attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. This hearing lasted approximately 8 minutes.

At the outset of this hearing, I informed both parties that recording of this hearing was not permitted by anyone, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules"). The two landlords and the two tenants all separately affirmed, under oath, that they would not record this hearing.

I explained the hearing process to both parties. They had an opportunity to ask questions. They did not make any adjournment or accommodation requests.

At the outset of this hearing, the male tenant confirmed that the tenants vacated the rental unit on July 30, 2021. He stated that he received a call from the RTB on October 20, 2021 and confirmed to the information officer that he still wanted to proceed with this hearing. He said that he thought the landlords issued the 2 Month Notice in bad faith.

I informed the tenants that since they moved out of the rental unit and the relief in their application related to an ongoing tenancy, their entire application was dismissed without leave to reapply, including the \$100.00 filing fee. I notified them that I would not engage in an academic exercise to determine the merits of their application or the 2 Month Notice because they moved out of the rental unit prior to this hearing, instead of waiting for a decision to be made at this hearing. They confirmed their understanding of same.

Pursuant to section 55 of the *Act*, if I dismiss the tenants' application to cancel a 2 Month Notice, the landlords are entitled to an order of possession if the notice meets the requirements of section 52 of the *Act*.

The landlords did not request an order of possession because the tenants moved out of the rental unit. Therefore, the landlords are not issued an order of possession against the tenants.

Conclusion

The tenants' entire application is dismissed without leave to reapply.

The landlords are not issued an order of possession against the tenants.

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: November 09, 2021

Residential Tenancy Branch