



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: CNL

Introduction

The tenant had applied to dispute a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Notice") pursuant to section 47(4) of the *Residential Tenancy Act* ("Act").

Both parties, along with the landlord's legal counsel, and a support person, attended the hearing on December 13, 2021. It should be noted that the name of the landlord has been corrected on the application; this is reflected on the style of cause.

Preliminary Issue: Tenancy Has Ended

Before the hearing, it appeared to me, based on written submissions from both the tenant applicant and the landlord respondent that the tenancy ended on October 15, 2021, when the tenant moved out and the landlord took possession on October 16, 2021. The parties confirmed that this information is correct.

Given the above, the issue of whether the Notice is valid (which is the whole purpose of why the tenant made this application) is now moot. As such, there was no purpose to proceed with a hearing. When I attempted to explain this to the parties, the tenant expressed disappointment. She began to explain that the tenancy was a month-to-month tenancy; she also mentioned that the Notice was not valid. However, as I responded, whether the tenancy was a month-to-month tenancy or not is, for the purposes of this application, irrelevant.

Had the tenant still resided in the rental unit when this hearing took place, then the issue before me would have been to determine whether the Notice was valid or not. However, as the tenant vacated the rental unit in mid-October, the issue of whether the Notice was valid is now moot.

As an aside, if the tenant is of the opinion that she is entitled to compensation for breach of contract (as briefly noted in her written submission) then she is at liberty to make an application for dispute resolution under section 59 of the Act.

Conclusion

The application to dispute the Notice is dismissed, without leave to reapply.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: December 13, 2021

Residential Tenancy Branch