



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL, PSF, LRE, RR, OLC, FFT

Introduction

The tenants applied for various relief under the *Residential Tenancy Act* ("Act"), including a claim to dispute a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Notice").

A dispute resolution hearing was convened on Monday, January 10, 2022 at 9:30 a.m. Attending the hearing was the respondent landlord, a delightfully pleasant woman. The hearing ended at 9:49 a.m. with neither tenant having attended.

Preliminary Issue: Non-Attendance of Applicants

The landlord issued the Notice (a copy of which was in evidence) on August 24, 2021. The Notice indicated that the effective end of tenancy date was to be May 31, 2022. On August 30 the tenants filed an application to dispute the Notice. However, the tenants, according to the landlord's testimony, vacated the rental unit on November 7, 2021.

Given that the tenants vacated the rental unit before the hearing, and well before the effective end of tenancy as indicated on the Notice, the tenants cannot be considered to have disputed the Notice. Further, as the tenancy ended almost two months before the hearing, as the tenants failed to attend the hearing, and as the landlord has since taken possession of the rental unit, the legal issue of whether the Notice is valid is now moot. This aspect of the tenants' application is dismissed.

Similarly, the remaining claims of relief are rendered moot and are thus dismissed, without leave to reapply.

As the tenants did not attend the hearing to plead their case, their claim for recovery of the application filing fee must also be dismissed.

Conclusion

The application is hereby dismissed, without leave to reapply.

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

Dated: January 10, 2022

Residential Tenancy Branch