



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FFT

Introduction

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

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), pursuant to section 49; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant called into the hearing at 9:35 a.m. While the tenant attended the hearing by way of conference call, the landlord did not. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the tenant and I were the only ones who had called into this teleconference.

At the outset of the hearing, the tenant confirmed that they had moved out on January 4, 2022. As the tenant had moved out after receiving the 2 Month Notice dated October 21, 2021, and as the tenancy has come to an end, the tenant's application is cancelled.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As no hearing was required, I find that the tenant is not entitled to recover the \$100.00 filing fee paid for this application. The tenant must bear the cost of this filing fee.

The tenant expressed concern about whether the new owners of the property were going to fulfil their obligations under the Act and pursuant to the 2 Month Notice. As this issue is not before me, I informed the tenant that they would need to file a new application, or contact the RTB if they required assistance or more information. The hearing concluded at 9:39 a.m.

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: January 13, 2022

Residential Tenancy Branch