



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, CNL, FFT**

Introduction

The words tenant and landlord in this decision have the same meaning as in the *Residential Tenancy Act*, (the "Act") and the singular of these words includes the plural.

This hearing dealt with an application filed by the tenants pursuant the *Residential Tenancy Act* (the "Act") for:

- An order to cancel a 1 Month Notice to End Tenancy for Cause, pursuant to sections 47 and 55;
- An order to cancel a 2 Month Notice to End Tenancy for Landlord's Use pursuant to sections 49 and 55; and
- Authorization to recover the filing fee from the other party pursuant to section 72.

Both the tenants and the landlords attended the hearing. As both parties were present, service of documents was confirmed. The landlords acknowledged service of the tenants' application for dispute resolution and stated they had no issues with timely service of documents.

Preliminary Issue

At the commencement of the hearing, the tenants acknowledge that they vacated the rental unit effective December 1, 2021. The landlord verified the tenants' statement but indicated that the tenants left behind some of their possessions in the yard. The tenants confirmed that whatever was left behind may be considered abandoned and that they do not seek to recover any of it.

Analysis

Pursuant to section 44(1)(d), I find the tenancy ended on December 1, 2021, when the tenants vacated the rental unit.

Section 62(4) allows the director to dismiss an application if there are no reasonable grounds for the application or if the application does not disclose a dispute that may be determined under Part 5 of the *Residential Tenancy Act*. As this tenancy has already ended, I find the tenants' application no longer discloses a dispute that may be determined under Part 5 of the *Act*. I dismiss the tenant's applications seeking to dispute the landlord's notices to end tenancy pursuant to section 62(4).

The decision to order payment of the filing fee is discretionary upon the arbitrator and in accordance with section 72 of the *Act*, the filing fee will not be recovered.

Conclusion

The application is dismissed without leave to reapply.

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 17, 2022

Residential Tenancy Branch