



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Residential Tenancy Branch

For the Landlord: OPL, FFL
For the Tenant: CNL-MT

Introduction

On November 22, 2021 the Landlord applied for an order of possession of the rental unit, and recompense of the Application filing fee.

On November 29, 2021 the Tenant applied for dispute resolution for an order cancelling the Two Month Notice to End Tenancy for Landlord's Use of Property (the "Two-Month Notice") issued by the Landlord on September 29, 2021. On this application, they requested more time to dispute the Two-Month Notice. Concerning the same matter, the Tenant's Application was joined as a cross-application to that previous Application of the Landlord.

The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the "Act") on March 14, 2022. Both parties attended the teleconference hearing.

The Landlord and Tenant both attended the hearing to speak to the issues at hand. At the start of the hearing the Tenant provided that they already moved out from the rental unit on January 4, 2022. The Landlord provided that they did not initially provide notice of this hearing to the Tenant, thinking that would cancel the hearing process.

Given that the tenancy has ended, the validity of the Two-Month Notice is not at issue. I dismiss the Tenant's Application for a cancellation of the Two-Month Notice, without leave to re-apply. Reciprocally, I dismiss the Landlord's Application for an Order of Possession.

The Landlord did not withdraw their Application in a timely manner prior to the hearing date; therefore, I make no award for reimbursement of the Application filing fee.

Conclusion

I dismiss the Landlord's Application in its entirety, without leave to reapply. I dismiss the Tenant's Application without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: March 14, 2022

Residential Tenancy Branch