



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 Tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

1. Cancellation of the Landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (the "Two Month Notice") pursuant to Sections 49 and 62 of the Act; and,
2. Recovery of the application filing fee pursuant to Section 72 of the Act.

The hearing was conducted via teleconference. The Landlord, PS, Attorney for Landlord, ES, Translator, AG, and one Tenant, EK, attended the hearing at the appointed date and time. Both parties were each given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Both parties were advised that Rule 6.11 of the Residential Tenancy Branch (the "RTB") Rules of Procedure prohibits the recording of dispute resolution hearings. Both parties testified that they were not recording this dispute resolution hearing.

Following introductory remarks, the Tenant advised that they moved out the week before the end of April 2022. The uploaded tenancy agreement had this tenancy beginning July 1, 2015. The Tenant stated the tenancy ended April 30, 2022. The Landlord's Attorney testified that the Tenants gave notice on April 19, 2022 and have not paid rent for the month of April.

I advised the parties as the Tenants have accepted the Landlord's Two Month Notice, the tenancy has ended, and the Tenant's application to cancel the Landlord's Two

Month Notice is dismissed without leave to re-apply. As the Tenants were not successful in their claim, I do not grant them recovery of the application filing fee. Pursuant to Section 62 of the Act, I have no authority to further adjudicate the claim before me.

The parties may wish to discuss with an Information Officer at the RTB the options available to them moving forward in their matter. An Information Officer can be reached at:

5021 Kingsway
Burnaby, BC

Phone: 250-387-1602 / 1-800-665-8779

Website: <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies>

Conclusion

The Tenants accepted the Landlord's Two Month Notice and vacated. The Tenants' application is dismissed without leave to re-apply.

The tenancy ended on April 30, 2022. The Director's authority has ended in this matter.

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

Dated: May 03, 2022

Residential Tenancy Branch