



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL, FFT**

Introduction

This hearing was convened by way of conference call in response to the Tenant's application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act") in which the Tenant seeks:

- an order to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property dated January 26, 2022 ("2 Month Notice") pursuant to section 49; and
- authorization to recover the filing fee of the Application from the Landlord pursuant to section 72.

The Tenant and Landlord attended the hearing. They were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The Tenant stated the Notice of Dispute Resolution Proceeding and her evidence ("NDRP Package") was served on the Landlord by registered mail on February 18, 2022. The Tenant submitted the Canada Post receipt and tracking numbers for service of the NDRP Package on the Landlord. I find the NDRP Package was served on the Landlord pursuant to the provisions of sections 88 and 89 of the Act.

Preliminary Matter – Tenant has Vacated the Rental Unit

At the outset of the hearing, the Tenant advised she vacated the rental unit on April 6, 2022 and returned the keys to the Landlord. The Landlord acknowledged the Tenant vacated the rental unit.

As the Tenant has vacated the rental unit, I find that consideration of whether the 2 Month Notice should be cancelled and consideration of whether the Landlord is entitled to an Order of Possession pursuant to section 55 of the Act are now moot. As such, I dismiss the Application without leave to reapply.

As the Tenant vacated the rental unit prior to the hearing, she is not entitled to recover the filing fee of the Application from the Landlord.

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: May 23, 2022

Residential Tenancy Branch