



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL DRI OLC FFT

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property dated March 1, 2022 (2 Month Notice), to dispute a rent increase, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenant, landlord KL (landlord) and an agent for the landlord, GH (agent) attended the teleconference hearing. At the start of the hearing I introduced myself and the participants and the parties were given an opportunity to ask questions. The parties were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony evidence and to make submissions to me. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Neither party raised any concerns regarding the service of documentary evidence.

Preliminary and Procedural Matters

Rule 2.3 of the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the tenant indicated several matters of dispute on the application, the most urgent of which is the application to cancel the 2 Month Notice. I find that not all the claims on the application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request to cancel the 2 Month Notice and the tenant's application to recover the cost of the filing fee at this

proceeding. The balance of the tenant's application is dismissed, **with leave to re-apply**.

The parties confirmed their respective email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them.

Issue to be Decided

Is this application now moot?

Background and Evidence

At the start of the hearing, the parties confirmed that the tenant vacated the rental unit on March 31, 2022, which was about 2 weeks after the application was filed on March 14, 2022. The tenant stated that this was based on a previous arrangement with the landlord and that the 2 Month Notice was not necessary.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

As the tenant has vacated the rental unit prior to the hearing, I find this matter is now moot.

I do not grant the filing fee as this matter is now moot.

Conclusion

The application is dismissed without leave to reapply, with the exception of the severed portion under RTB Rule 2.3 described above.

The tenant vacated the rental unit on March 31, 2022.

The filing fee is not granted.

This decision will be emailed to both parties as indicated above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: June 30, 2022

Residential Tenancy Branch