



# 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 Tenants' application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act") in which the Tenants seek:

- an order to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property dated March 18, 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.

One of the two Tenants ("KG") and Landlord's agent ("AL") attended the hearing. They were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

KG stated the Notice of Dispute Resolution Proceeding and Tenants' evidence ("NDRP Package") was served on the Landlord by registered mail but he could not recall the date of mailing. AL acknowledged the Landlord received the NRPP Package by registered mail on April 20, 2022. I find the NDRP Package was served by the Tenants on the Landlord pursuant to the provisions of sections 88 and 89 of the Act.

### Preliminary Matter – Tenants Have Vacated the Rental Unit

At the outset of the hearing, KG stated the Tenants vacated the rental unit on June 1, 2022. AL acknowledged the Tenants vacated the rental unit.

As the Tenants have vacated the rental unit, I find that consideration of whether the 2 Month Notice should be cancelled and, if the 2 Month Notice is not cancelled, 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 Tenants vacated the rental unit prior to the hearing, they are 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: July 26, 2022

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Residential Tenancy Branch