



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, OLC, FFT

### Dismissal of Application

The Tenants seek the following relief under the *Residential Tenancy Act* (the “Act”):\

- An order pursuant to s. 49 to cancel a Two-Month Notice to End Tenancy signed on April 5, 2022 (the “Two-Month Notice”);
- An order pursuant to s. 62 that the Landlord comply with the *Act*, Regulations, and/or the tenancy agreement; and
- An order pursuant to s. 72 for the return of their filing fee.

B.D. and C.D. appeared as the Tenants. T.G. appeared as agent for the Landlord. H.C. appeared on behalf of the Landlord.

The parties affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. The parties confirmed that they were not recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

At the outset of the hearing, the Tenants advised that they vacated the rental unit on June 29, 2022. This was confirmed by the Landlord’s agent. Based on the undisputed testimony of the parties, I find that the tenancy ended on June 29, 2022.

As the enforceability of the Two-Month Notice is no longer in issue, I dismiss the Tenants’ claim under s. 49 of the *Act* to cancel the notice without leave to reapply. Further, claims under s. 62 are only relevant for ongoing tenancies. As the tenancy is over, the Tenants’ claim under s. 62 is no longer relevant. I further dismiss the Tenants claim under s. 62 of the *Act* without leave to reapply.

As I have not been asked to make any determinations on the substantive aspects of the application, I find that the Tenants are not entitled to the return of their filing fee. Their claim for the return of their filing fee under s. 72 of the *Act* is also dismissed without leave to reapply.

I make no findings of fact or law with respect to this dispute other than the finding with respect to the end of the tenancy on June 29, 2022. Nothing in this dismissal is to be construed as a limit on either parties' entitlement to compensation or other relief to which they may be entitled to under the *Act*, including whatever claim the Tenants may have under s. 51 of the *Act*.

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: August 15, 2022

---

Residential Tenancy Branch