



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, FF

Introduction, Preliminary and Procedural Matters-

This hearing dealt with the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- an order cancelling the Two Month Notice to End Tenancy for Landlord's Use of Property (Notice) issued by the landlord;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement; and
- to recover the cost of the filing fee.

The tenant, the landlords, and their agent attended the hearing and were affirmed.

In discussion at the beginning of the hearing, the tenant said he vacated the rental unit on May 31, 2022, in response to the 2 Month Notice.

Analysis and Conclusion

As I informed the tenant, I cannot proceed on his application for dispute resolution, as the tenancy ended on the date he vacated the rental unit on May 31, 2022, as provided in section 44(1)(d) of the Act. As a result, I find the tenant's request for an order cancelling the 2 Month Notice is now moot.

As to the tenant's request to require the landlord to comply with the Act, the tenant's application was not specific as to what section of the Act they were referring. Rather, the application indicated the landlord became upset when requesting that they be able to use the garage, to which the tenant was not agreeable. The tenant also indicated

that the landlord confirmed they were selling the house instead of moving into the residential property.

I find that this request for the landlord's compliance is now moot, as the tenancy has ended. If the tenant believed they should not be required to vacate the rental unit, they ought to have waited for the hearing so that I could decide whether the 2 Month Notice was valid. When the tenant vacated the rental unit, their application became moot, as I cannot now decide whether or not the tenancy shall continue or whether I can order the landlord to comply with the Act.

Given the above, I **dismiss** the tenant's application, without leave to reapply.

As I did not consider the merits of the tenant's application or the 2 Month Notice, I dismiss the tenant's request for recovery of the filing fee, 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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: August 18, 2022

Residential Tenancy Branch