



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

The Tenant seeks the following relief under the *Residential Tenancy Act* (the “Act”):

- an order pursuant to s. 49 cancelling a Two-Month Notice to End Tenancy signed on August 19, 2022 (the “Two-Month Notice”); and
- return of the filing fee pursuant to s. 72.

N.G. attended the hearing on behalf of her father the Tenant. No one attended on behalf of the Landlord.

N.G. affirmed to tell the truth during the hearing.

I was advised by N.G. that her father moved out of the rental unit on October 1, 2022. I enquired whether the Landlord had been given notice of the application. N.G. advised that she was uncertain on this point. She did, however, advise me that she contacted the Landlord’s agent prior to the hearing to advise them that she would attend the hearing to advise that the tenancy was over.

Based on N.G.’s testimony, I find that the tenancy is over such that questions related to the enforceability of the Two-Month Notice is moot. The application under s. 49 of the *Act* is dismissed without leave to reapply. Given the circumstances, I further dismiss the claim for the return of the filing fee, again 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: January 13, 2023

Residential Tenancy Branch