



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, LRE, FF

Introduction, Preliminary and Procedural Matters-

This hearing convened to deal with the tenants' 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/2 Month Notice) issued by the landlord, an order suspending or setting conditions on the landlord's right to enter the rental unit, and recovery of the cost of the filing fee.

The tenants and the landlord's agent (agents) were in attendance. The parties were affirmed.

At the start of the hearing, the tenants and the agent confirmed that the tenants vacated the rental unit on or about the second weekend of October 2022, and the final inspection was conducted on October 24, 2022, according to the tenants.

Section 44 (1)(d) states that one way a tenancy ends is when a tenant vacates the rental unit. I find the issues in the tenants' application have now been resolved as the tenancy has ended when the tenants vacated the rental unit. It is no longer necessary for me to consider the merits of the landlord's 2 Month Notice or the request for an order against the landlord.

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

As I did not consider the merits of the tenants' application and the landlord's Notice, I dismiss the tenants' request for recovery of the filing fee.

Conclusion

The tenants' application is dismissed without leave to reapply as the tenancy ended prior to the hearing.

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: January 13, 2023

Residential Tenancy Branch