



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNQ LRE OLC FFT**

Introduction

This hearing was convened as a result of the Tenant's application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act"). The Tenant seeks:

- an order cancelling a Two Month Notice to End Tenancy because the Tenant does not Qualify for the Subsidized Rental Unit dated August 9, 2022 ("2 Month Notice") pursuant to section 49.1;
- an order to suspend or set conditions on the Landlord's right to enter the rental unit pursuant to section 70;
- an order for the Landlord to comply with the Act, *Residential Tenancy Regulations* and/or the tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for the Application from the Landlord pursuant to section 72.

The Landlord and the Tenant attended this hearing. The parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Matter – Tenant has Vacated the Rental Unit

At the outset of the hearing, the parties agreed the Tenant vacated the rental unit on September 30, 2022. As the Tenant has vacated the rental unit, there is no need for me to consider whether the Tenant is entitled to cancellation of the 2 Month Notice or whether the Landlord is entitled to an Order of Possession. Furthermore, as the tenancy has ended, the Tenant is no longer entitled to seek an order to suspend or set conditions on the Landlord's right to enter the rental unit or for an order for the Landlord to comply with the Act, Regulations and/or tenancy agreement.

As the Tenant vacated the rental unit prior to the date of this hearing and the tenancy ended, she is not entitled to recover the filing fee of the Application from the Landlord.

Based on the foregoing, I dismiss the Application in its entirety without leave to reapply.

Conclusion

The Application is dismissed in its entirety 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 12, 2023

Residential Tenancy Branch