



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AF2G INVESTMENTS INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNL, FFT

Introduction

This hearing was convened in response to the Tenants' Application for Dispute Resolution in which the Tenants applied to cancel a Two Month Notice to End Tenancy for Landlord's Use and to recover the fee for filing this Application for Dispute Resolution.

The Caretaker stated that the Landlord received the Tenants' Application for Dispute Resolution on August 29, 2022 or August 30, 2022.

The Landlord submitted evidence to the Residential Tenancy Branch. The Caretaker stated that this evidence was not served to the Tenants as evidence for these proceedings. As the evidence was not served to the Tenants, it was not accepted as evidence for these proceedings.

The participants were given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. Each participant affirmed that they would speak the truth, the whole truth, and nothing but the truth during these proceedings.

The participants were advised that the Residential Tenancy Branch Rules of Procedure prohibit private recording of these proceedings. Each participant affirmed they would not record any portion of these proceedings.

Issue(s) to be Decided

Should the Two Month Notice to End Tenancy for Landlord's Use be set aside?

Background and Evidence

The Caretaker stated that this tenancy began on September 01, 2021.

The Caretaker stated that on August 01, 2022 a Two Month Notice to End Tenancy for Landlord's Use was left in the Tenants' mailbox, which declared that the rental unit must be vacated by October 01, 2022.

The Caretaker stated that on December 01, 2022 the Tenant and an agent for the Landlord signed a mutual agreement to end the tenancy, effective December 01, 2022.

The Caretaker stated that the rental unit was vacated on December 01, 2022 and that he does not require an Order of Possession.

Analysis

I find that the Tenants failed to diligently pursue their Application for Dispute Resolution and I therefore dismiss the Application without leave to reapply.

On the basis of the testimony of the Caretaker, I find that this tenancy ended on December 01, 2022, pursuant to section 44(1)(c) of the *Act*. As the tenancy ended on the basis of a mutual agreement signed by the parties and the rental unit was vacated on December 01, 2022, I find there is no need to grant the Landlord an Order of Possession.

Conclusion

The Tenants' Application for Dispute Resolution is dismissed, 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