



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction, Preliminary and Procedural Matters-

This hearing convened to deal 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/2 Month Notice) issued by the landlord and recovery of the cost of the filing fee.

The tenant and the landlords were in attendance at the hearing. The parties were affirmed.

At the start of the hearing, the tenant confirmed that he vacated the rental unit on December 31, 2022, the effective, move-out date listed on the Notice. The tenant said he was not aware he could have stayed living in the rental unit until the hearing.

Section 44 (1)(d) states that one way a tenancy ends is when a tenant vacates the rental unit. I find the issue in the tenant's application has now concluded as the tenancy ended when the tenant vacated the rental unit. It is no longer necessary for me to consider the merits of the landlord's 2 Month Notice to determine whether the tenancy ends or continues.

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 landlord's Notice, I dismiss the tenant's request for recovery of the filing fee.

While the application did not deal with the tenant's request for a return of their security deposit, a discussion of the matter was conducted. The parties agreed that the landlord has returned a part of their security deposit. The landlord made deductions for a new

refrigerator door and cleaning. The tenant asserted that he did not agree to the cleaning charge and there was no move-in or move-out inspection of the rental unit.

The landlords offered to return \$160 by e-transfer immediately and the tenant agreed that would satisfy his request for a return of the security deposit.

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: February 07, 2023

Residential Tenancy Branch