



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL OLC FFT

Introduction

The matter originally proceeded by way of a hearing on October 3, 2022 for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), pursuant to section 49;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenants filed an application for review consideration on the grounds that they were unable to attend the hearing due to reasons beyond their control. On October 4, 2022, the tenants were granted their application for review consideration, and the Decision dated October 3, 2022 was suspended until the Review Hearing scheduled for February 9, 2023.

Both parties attended this Review Hearing, and confirmed that the tenants have vacated the rental unit, and that the landlords no longer require an Order of Possession.

Section 62(4)(a) of the *Act* states that an application should be dismissed if the application or part of an application does not disclose a dispute that may be determined under the *Act*. I exercise my authority under section 62(4)(b) of the *Act* to dismiss the tenant's application without leave to reapply as I find the issues requested moot because the tenancy has come to an end.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As I was not required to make a decision on the merits of this case, I find that the tenants are not entitled to recover the \$100.00 filing fee paid for this application. The tenants must bear the cost of this filing fee.

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: February 14, 2023

Residential Tenancy Branch