



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## 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, a party assisting 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 they vacated the rental unit at the end of January 2023.

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 landlords' Notice, I dismiss the tenant's request for recovery of the 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*. 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: March 29, 2023

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Residential Tenancy Branch