



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL, OLC
 OPL

Introduction

This hearing dealt with applications filed by both the tenant and the landlord pursuant to the Residential Tenancy Act (the “Act”)

The tenant applied for:

- cancellation of the landlord’s Two Month Notice to End Tenancy Issued for Landlord’s Use of Property (the Two Month Notice) pursuant to section 49; and,
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62.

The landlord applied for:

- an Order of Possession based on the Two Month Notice pursuant to section 55.

LH (the “tenant”) and JS (the “landlord”) appeared at the hearing.

LH testified that she vacated the rental unit two days prior to the hearing on March 4, 2023. LH testified that it was always her intention to vacate the unit. JS confirmed that LH was no longer residing in the rental unit.

Both parties confirmed that they are no longer seeking relief under the Act as the tenancy has ended. I find the applications of both parties are moot given that they agree the tenancy has ended.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution 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 these applications for dispute resolution as this tenancy ended prior to the hearing and the relief sought is no longer necessary.

Accordingly, I dismiss the applications of the landlord and tenant in their entirety.

Conclusion

The tenant's application is dismissed.

The landlord's application is dismissed.

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: March 13, 2023

Residential Tenancy Branch