



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNL, MNDCT, OLC, FFT**

Introduction

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act (“the Act”) for orders as follows:

- cancellation of the landlord’s Two Month Notice to End Tenancy for the Landlord’s Use pursuant to section 49 of the Act
- for an order requiring the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62 of the Act
- for a monetary order for damage or compensation pursuant to section 67 of the Act
- for reimbursement of the filing fee pursuant to section 72 of the Act

Both parties attended the hearing with the landlord RS appearing. The tenant, JN appeared for himself.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The tenant confirmed receipt of the Two Month Notice to End Tenancy (“Two Month Notice”) dated December 26, 2022, with an effective date of March 1, 2023. The landlord confirmed receipt of the dispute notice and the tenant’s materials. Service for both parties complies with sections 88 and 89 of the Act.

Issue(s) to be Decided

1. Is the Two Month Notice valid and enforceable against the tenant? Is the landlord entitled to an order of possession?
2. Is the tenant entitled to an order requiring the landlord to comply with the Act, regulations or tenancy agreement?
3. Is the tenant entitled to a monetary order for compensation?
4. Is the tenant entitled to recover the filing fee for this application?

Background and Evidence

The tenancy commenced on April 15, 2009, and was on a month to month basis. Rent is \$750.00 per month due on the first of the month. The landlord holds a security deposit of \$375.00 in trust for the tenant. The tenant gave the landlord a Notice to End Tenancy and the tenancy ended on April 30, 2023.

The tenant exited the hearing before the hearing was concluded. The landlord advised she did not require an order of possession for the rental unit.

Analysis

As the tenancy had ended, the tenant's application disputing the Two Month Notice is dismissed without leave to reapply.

The tenant made other claims for relief which were not addressed prior to the tenant ending the hearing. Those claims are also dismissed with leave to reapply.

Conclusion

The tenant'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: May 11, 2023

Residential Tenancy Branch