



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL, OLC, FFT

Introduction

This hearing was convened as a result of the Tenant's application under the *Residential Tenancy Act* (the "Act") for:

- cancellation of a Two Month Notice to End Tenancy for Landlord's Use of Property dated February 8, 2023 (the "Two Month Notice") pursuant to section 49;
- an order that the Landlord comply with the Act, the regulations, 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 Tenant attended this hearing. The Landlord did not attend.

Preliminary Matter – Removal of Additional Applicants

This application initially included five other applicants in addition to the Tenant. The Tenant confirmed that the other applicants are his family members who did not sign the tenancy agreement with the Landlord. I find the other applicants were permitted occupants of the rental unit rather than tenants who had standing to make this application. Pursuant to section 64(3)(c) of the Act, I have amended this application to remove the applicants other than the Tenant.

Preliminary Matter – Tenancy Has Ended

The Tenant confirmed that his family has vacated the rental unit and that the tenancy has ended. I find the Tenant's claim to dispute the Two Month Notice and to seek an order that the Landlord comply with the Act, regulations, or tenancy agreement to be

moot since the tenancy is already over. Therefore, I dismiss the Tenant's claims under this part pursuant to section 62(4)(b) of the Act.

The filing fee is a discretionary award usually granted to an applicant by the arbitrator after the applicant is found to be successful on the merits. As I was not required to determine the merits of the Tenant's claims regarding the Two Month Notice or an order for the Landlord to comply, I decline to award the Tenant reimbursement of his filing fee pursuant to section 72(1) of the Act.

Conclusion

This application is dismissed in its entirety without leave to re-apply due to circumstances that have rendered it moot.

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 15, 2023

Residential Tenancy Branch