



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL, FFT

Introduction

The Tenant seeks the following relief under the *Residential Tenancy Act* (the “Act”):

- an order pursuant to s. 49 cancelling a Two-Month Notice to End Tenancy signed on February 7, 2022 (the “Two-Month Notice”); and
- return of the filing fee pursuant to s. 72.

M.M. appeared as the Landlord. The Tenant did not attend, nor did someone attend on their behalf.

Pursuant to Rule 7.1 of the Rules of Procedure, the hearing began as scheduled in the Notice of Dispute Resolution. As the Tenant did not attend the hearing, it was conducted in their absence as permitted by Rule 7.3 of the Rules of Procedure.

The Landlord affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

Dismissal of the Application

At the outset of the hearing, the Landlord advised that the Tenant moved out of the rental unit on April 5, 2023, such that he was no longer seeking to enforce on the Two-Month Notice.

I accept the Landlord’s undisputed evidence and find that the tenancy is over. As such, the issue of whether the Two-Month Notice is enforceable or not is moot.

Accordingly, I dismiss the Tenant's claims under ss. 49 and 72 of the *Act* without leave to reapply. To be clear, the Tenant is not entitled to his filing fee as the application was 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: June 02, 2023

Residential Tenancy Branch