



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing

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## **DECISION**

Dispute Codes      CNL MNDCT FFT

### Introduction

The Tenant had sought (1) to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Notice"), (2) compensation equal to one month's rent, and (3) to recover the cost of the application fee, pursuant to sections 49, 67, and 72, respectively, of the *Residential Tenancy Act* (the "Act").

### Preliminary Issue 1: Tenancy Has Ended

The landlord has withdrawn the Notice and the tenant has entered into a new tenancy agreement for a new rental unit with another landlord. As such, the issue of whether the Notice is valid and ought to be upheld, or, invalid and ought to be cancelled, is moot. As explained in the hearing, there is little point in considering the merits of the Notice given that the tenant has already decided to move out by August 1, 2023. The outcome of the application to cancel the Notice shall be recorded as "undecided" on the file.

### Preliminary Issue 2: Compensation and Application Fee

The tenant testified that they sent (e-transferred) rent for July 2023 to the landlord. The landlord testified and confirmed on the record that they are not accepting the rent transfer and that the tenant is entitled to cancel the transfer and keep the money.

The tenant is, in other words, entitled to one month's free rent (notwithstanding the landlord's withdrawal of the Notice.) The outcome of the claim for compensation shall be recorded as settled.

In addition, the landlord offered and agreed to pay the cost of the tenant's application fee of \$100. The landlord is therefore ordered, pursuant to section 72 of the Act, to pay \$100 to the tenant forthwith. The outcome of the claim for recovery of the application fee shall be recorded as settled.

This decision is final and binding, and it is made on delegated authority under section 9.1(1) of the Act. A party's right to appeal this decision is limited to grounds provided under section 79 of the Act or by an application for judicial review under the *Judicial Review Procedure Act*, RSBC 1996, c. 241.

Dated: July 22, 2023

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Residential Tenancy Branch