



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL FFT**

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of a Two Month Notice to End Tenancy for Landlord's use ("Two Month Notice") pursuant to section 49;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

The tenants attended. PP attended for the landlords ("the landlord"). Both parties acknowledged receipt of materials from the other. No issues of service were raised. I find the tenant served the landlord in accordance with the Act.

The hearing process was explained, and an opportunity was given to ask questions about the hearing process. Each party had the opportunity to call witnesses, and present affirmed testimony and written evidence. Each party acknowledged receipt of the other party's documents.

Preliminary Issue

The tenants testified that they vacated the unit October 30, 2019. The landlord provided testimony his son now occupies part of the unit.

During the hearing, the tenants provided testimony and evidence applicable to an application for compensation under section 51 which states that the landlord must pay the tenant an amount that is equivalent of 12 times the monthly rent payable under the tenancy agreement in certain situations.

However, this is not an application under section 51, but is an application to cancel the Two Month Notice under section 49.

I find there is no need to hear the tenants' application as the tenants have vacated the unit, the agreement between them has terminated and the landlord has entered into a tenancy agreement with his son for part of the unit.

I made no decision with respect to any entitlement of the tenant to compensation under section 51.

Accordingly, I dismiss the application without leave to reapply.

Conclusion

I dismiss the application without leave to reapply. 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: December 12, 2019

Residential Tenancy Branch