



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL OLC FFT**

Introduction

This hearing was convened by way of conference call in response to the Tenants' application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act") in which the Tenants seek:

- an order to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property dated July 19, 2022 ("2 Month Notice") pursuant to section 49;
- an order requiring the Landlord to comply with the Act, *Residential Tenancy Regulations* ("Regulations") and/or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee of the Application from the Landlord pursuant to section 72.

The Landlord and the two Tenants ("DB" and "DW") attended the hearing. They were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

DB stated the Tenants served the Notice of Dispute Resolution Proceeding ("NDRP") on the Landlord in-person. The Landlord acknowledged she received the NDRP from the Tenants in person. As such, I find the NDRP was served on the Landlord in accordance with the provisions of section 89 of the Act.

Preliminary Matter – Tenants Have Vacated the Rental Unit

At the outset of the hearing, the Landlord and Tenants agreed the Tenants vacated the rental unit on September 27, 2022.

As the Tenants have vacated the rental unit, I find that consideration of whether the 2 Month Notice should be cancelled and whether the Tenants are entitled to an order for the Landlord to comply with the Act, Regulations and/or tenancy agreement are now moot. As such, I dismiss those two claims in the Application.

As the Tenants vacated the rental unit prior to the hearing, they are not entitled to recover the filing fee of the Application from the Landlord.

Conclusion

The Application is dismissed in its entirety 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 23, 2022

Residential Tenancy Branch