



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## DECISION

Dispute Codes      **CNL, FFT**

### Introduction

The words tenant and landlord in this decision have the same meaning as in the *Residential Tenancy Act*, (the "Act") and the singular of these words includes the plural.

This hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the "Act") for:

- An order to cancel a 2 Month Notice to End Tenancy for Landlord's Use pursuant to sections 49 and 55; and
- Authorization to recover the filing fee from the other party pursuant to section 72.

The landlord and both tenants attended the hearing.

### Preliminary Issue

At the commencement of the hearing, I inquired whether the tenants have vacated the rental unit. Both parties agreed that the tenants moved out on or about March 15, 2023.

I treat the tenant's vacating of the property as the tenant's acceptance of the validity of the notice to end tenancy and I make an order that the tenancy ended on March 15, 2023, pursuant to section 44(1)(f) of the Act.

As such, it is not necessary for me to determine on the merits whether the Notice to End tenancy was valid and I make no findings with respect to its validity.

Section 62(4) allows the director to dismiss an application if there are no reasonable grounds for the application or if the application does not disclose a dispute that may be determined under Part 5 of the *Residential Tenancy Act*. As this tenancy has already ended, I find the tenant's application falls under section 62(4) and I dismiss it without leave to reapply.

Conclusion

This application is dismissed 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: May 04, 2023

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Residential Tenancy Branch