

DECISION

Dispute Codes CNL, FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord Use of Property (the landlord's Notice) pursuant to section 49; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The tenant did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

The landlord's agent (the landlord) testified that the landlord had agreed to extend the tenant's month-to-month tenancy until the end of June 2011. She made an oral request for an Order of Possession if the tenant's application for dispute resolution were dismissed.

Issues(s) to be Decided

Should the landlord's 2 Month Notice to End Tenancy for Landlord Use of Property be cancelled? Is the landlord entitled to an Order of Possession? Is the tenant entitled to recover his filing fee from the landlord?

Background and Evidence

Neither party provided any written evidence for this hearing.

Analysis

The landlord's agent testified that the landlord has extended this tenancy until at least the end of June 2011, and perhaps longer. Based on this oral testimony and the lack of any written evidence before me regarding the landlord's Notice, I am not satisfied that the landlord's 2 Month Notice to End Tenancy for Landlord Use of Property (the landlord's Notice) is still in effect. I cancel the landlord's Notice and issue no Order of Possession to the landlord.

Conclusion

I cancel the landlord's Notice to end this tenancy with the effect that this tenancy continues. I deny the landlord's request for an Order of Possession. I dismiss the tenant's application to recover his filing fee for this application.

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*.