



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, MNDC, OLC, O

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

First of all it is my decision that I will not deal with all the issues that the applicant has put on the application. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue, to be dealt with together.

I therefore will deal with the request to cancel a Notice to End Tenancy that was given for landlord use and I dismiss the remaining claims, with liberty to re-apply.

Background and Evidence

This tenancy began on October 1, 2011 for a term of one year with an expiry date of October 1, 2012.

On March 13, 2012 the landlord served the tenants with a two month Notice to End Tenancy for landlord use, stating that the property had sold and that the purchasers who wish to occupy the unit.

However since this is a fixed term tenancy with an expiry date of October 1, 2012 the landlords cannot end this tenancy before that date, and therefore this notice would have been self-correcting to that date.

At the hearing however the parties came to the following mutual agreement

This tenancy will end on June 30, 2012, and the tenants will be released from their obligation to pay any further rent in this lease after that date.

Therefore the tenants will not be required to pay rent under the lease for the months of July 2012, August 2012, and September 2012.

The tenants will also get June 2012 rent free as the compensation required under Section 51 when the landlord gives a Notice to End Tenancy for landlord use.

Conclusion

In light of the above agreement, I have issued an Order of Possession to the landlords for 1:00 p.m. on June 30, 2012.

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: April 18, 2012.

Residential Tenancy Branch