



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, FF

### Introduction and Preliminary Matters

This hearing dealt with the tenants' application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling a 2 Month Notice to End Tenancy for Landlord's Use of the Property (the "Notice") and for recovery of the filing fee.

The parties appeared, and before the conference could begin, the landlord announced that the hearing did not need to go forward as she was withdrawing her Notice. The landlord also said she would reimburse the tenants their costs.

At that point the landlord exited the conference, before I could say anything further.

The hearing continued a few more moments as I asked the tenants questions about the Notice, which neither party had submitted into evidence.

The tenants said that they were originally issued a 2 Month Notice to End Tenancy for Landlord's Use of the Property and the landlord then changed it to a 1 Month Notice to End Tenancy for Cause.

The tenants then asked questions about the carpet, and I directed them to the Residential Tenancy Branch ("RTB") to speak to someone with their questions.

### Issue(s) to be Decided

Should the Notice be cancelled and are the tenants entitled to recover the filing fee?

Background and Evidence

No tenancy agreement was entered into evidence; the tenants said the tenancy began 8 years ago and monthly rent was \$690.00.

Analysis and Conclusion

The tenants consented, as allowed under Residential Tenancy Branch Policy Guideline 11, that the Notice, of which I did not have a copy and no details were provided, should be withdrawn.

As such, I accept the landlord's request that the Notice should be and it is hereby withdrawn and is now of no force or effect. The tenancy shall continue until it may otherwise end under the Act.

I allow the tenants recovery of the filing fee and I direct them to deduct \$50.00 from their next monthly rent payment.

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* and is being mailed to both the applicant and the respondent.

Dated: March 25, 2013

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Residential Tenancy Branch

