



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNL FF

### Introduction

This hearing dealt with an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) by the tenants to cancel a 2 Month Notice to End Tenancy for Landlord’s Use of Property, and to recover their filing fee.

The tenants attended the hearing. The tenants gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

As the landlords did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the “Notice”) was considered. The tenants provided documentary evidence that the Notice was served on landlord MR by registered mail on June 11, 2013 to the service address provided by the landlords on the 2 Month Notice which was also submitted in evidence. The landlord provided a registered mail tracking number and a copy of the registered mail envelope addressed to landlord MR in evidence. The tenants testified that landlord TB, was served personally with the Notice and evidence on June 11, 2013 at 12:15 p.m. at the service address of the landlords by tenant MB and was witnessed by tenant NB. Based on the above, I find the landlords were sufficiently served with the Notice and evidence in accordance with the *Act*.

### Preliminary Matter, Analysis and Conclusion

The tenants applied on June 6, 2013 to dispute the 2 Month Notice to End Tenancy for Landlord’s Use of Property (the “2 Month Notice”) which is within the 15 day timeline permitted under section 49 of the *Act*. The 2 Month Notice is dated May 28, 2013 and has an effective vacancy date of July 31, 2013. When tenants apply to dispute a 2 Month Notice, the burden of proof falls to the landlords to prove that the 2 Month Notice had merit and should be upheld. As the landlords failed to attend the hearing, **I find** the landlords have failed to prove that the 2 Month Notice had merit. Therefore, **I cancel** the

2 Month Notice dated May 28, 2013 and **I order** that the tenancy continues until ended in accordance with the *Act*.

As the tenants' application had merit, **I grant** the tenants' the recovery of their filing fee in the amount of **\$50.00**. **I authorize** the tenants to deduct **\$50.00** from a future month's rent on a one-time basis in full satisfaction of the recovery of their filing fee.

For the benefit of both parties, I am including a copy of *A Guide for Landlords and Tenants in British Columbia* with my Decision.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: July 09, 2013

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Residential Tenancy Branch

