



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

This hearing was convened by way of a conference call in response to a Tenant's Application for Dispute Resolution (the "Application") to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property (the "Notice") and to recover the filing fee from the Landlords.

One of the Tenants appeared for the hearing. There was no appearance by the Landlord despite each Landlord being served with notice of this hearing by registered mail. The Landlord provided the Canada Post tracking numbers as evidence of this method of service which were noted in the file. The Canada Post website indicates that the documents were received by both Landlords. Based on this evidence, I determined that the Landlords had been served in accordance with Section 89(1) (c) of the *Residential Tenancy Act*.

The Tenant explained at the start of the hearing that he had found a new place to move to at the start of August, 2014 and as a result was no longer seeking to cancel the Notice. The Tenant also confirmed that the Landlord had not cashed his last month's rent cheque in order for him to receive his compensation payable to him under the provisions of the Notice.

Conclusion

As there was no requirement for me to make a legal finding on the Notice, I dismiss the Tenant's Application to cancel the Notice. As the Tenants decided to accept the Notice in the interim time period of making the Application and received the compensation payable under the Notice, I dismiss the Tenants' Application to recover the filing fee. 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: July 24, 2014

Residential Tenancy Branch

