



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, MT, MNDC

Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenant: to cancel a notice to end tenancy for Landlord’s use of the property; for more time to cancel the notice to end tenancy; and for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the “Act”), regulation or tenancy agreement.

The Tenant appeared for the hearing but the Landlord did not.

At the start of the hearing the Tenant indicated that she wanted to withdraw all of her Application because she had accepted the 2 Month Notice to End Tenancy for Landlord’s Use of Property (the “Notice”) which was issued to her on May 21, 2014 with an effective vacancy date for the end of July, 2014. This was also re-iterated in the Tenant’s written evidence submitted prior to the hearing.

The Tenant explained that she had not paid rent to the Landlord for July, 2014 in relation to the compensation payable by the Landlord under the provisions of the Notice.

The Tenant explained that she was going to be moving out at the end of July, 2014 and will reconsider her monetary claim against the Landlord at a future date.

I draw the attention of both parties to Section 51(1) and (1.1) of the Act which explains the Tenant’s compensation rights after being given the Notice. The Act explains that a Tenant is entitled to one month’s free rent and that a Tenant may achieve this compensation by deducting the last month’s rent of the tenancy. This is also explained on the second page of the Notice.

Conclusion

As the Tenant withdrew her Application, I dismiss the Tenant's Application to cancel the Notice. The Tenant's monetary claim is dismissed **with** leave to re-apply.

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 10, 2014

Residential Tenancy Branch

