



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Solus Trust Company
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNL, O

This hearing was set to deal with an application by the tenants for an order setting aside a 2 Month Notice to End Tenancy for Landlord's Use dated August 24, 2015. Both parties appeared and had an opportunity to be heard. The tenants acknowledged receipt of the landlord's evidence package.

The landlord's material stated that because of the sequence of events outlined in its' evidence package, the landlord did not intent to enforce this notice to end tenancy. This position was confirmed in the hearing. Consequently, the 2 Month Notice to End Tenancy dated August 24, 2015, is withdrawn by consent of both parties.

In October the landlord issued a second 2 Month Notice to End Tenancy for Landlord's Use. The tenants advised that yesterday they filed an application with the Residential Tenancy Branch disputing that notice. The Residential Tenancy Branch records confirmed this information. The file number of the new application is noted on the front page of this decision. It is set for hearing at 11:00 am on January 13, 2016.

The application for dispute resolution and notice of hearing had not yet been served on the landlord, whose representatives were surprised by the tenants' announcement. The landlord's representatives were advised that as I had neither an application for dispute resolution from the landlord asking for an order of possession based upon the subsequent notice to end tenancy nor the consent of the tenants to having that issue heard and decided today, I could not make any order with regard to the October notice to end tenancy.

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: November 17, 2015

Residential Tenancy Branch

