



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

The tenants apply to challenge a two month Notice to End Tenancy for landlord use of property dated September 30, 2015.

The Notice purports to end the tenancy November 30, 2015.

The parties agree that the tenancy is for a fixed term ending January 31, 2016.

This matter was resolved at hearing.

The parties were referred to the provision in the *Residential Tenancy Act* (the "RTA"), s. 49 which provides that if the tenancy agreement is a fixed term tenancy agreement a landlord may end a tenancy by giving notice to end the tenancy effective on a date that must not be earlier than the date specified as the end of the tenancy.

Further, the parties were referred to s. 53 of the *RTA* whereunder a Notice containing an effective date earlier than the date permitted by law, the Notice is automatically corrected to the earliest lawful date.

As a result, the parties agreed that the Notice in question, though it remains a valid Notice to End Tenancy, will be effective to end the tenancy on January 31, 2016 and not November 30, 2015.

I authorize the tenants to recover the \$50.00 filing fee for this application from the landlord by reducing their December rent by \$50.00, in full satisfaction of the fee.

This decision was rendered orally at hearing 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: November 20, 2015

Residential Tenancy Branch

