



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the two month Notice to End Tenancy
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The landlord failed to use the approved government form. However, the representative sent a letter demanding that the Tenant vacate at the end of August. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on each of the respondents on July 11, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the two month Notice to End Tenancy?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

On December 21, 2015 the parties entered into a fixed term written tenancy agreement that provided the tenancy would start on January 15, 2016 and end on December 31, 2016. The rent was set at \$1500 per month. The tenant paid a security deposit of \$750 on December 22, 2015.

The landlord failed to use the approved form required by the Residential Tenancy Act. The tenant testified the landlord has e-mailed her stating they are withdrawing the Notice and that she could stay until the end of December 2016.

The tenant stated that she wished to withdraw her application given the e-mail from the landlord.

As a result I ordered that the application be dismissed as withdrawn. The landlord failed to use the approved form and the Notice is not valid. The tenant stated that she did not wish to make a claim for the cost of the filing fee. **As a result I dismissed the claim for the cost of the filing fee as withdrawn.**

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: August 23, 2016

Residential Tenancy Branch