



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with joined Applications for Dispute Resolution on behalf of 6 tenants who were seeking to cancel notices to end tenancy.

The hearing was conducted via teleconference and was attended by 5 of the 6 tenants; their advocate and one of the named respondent landlords.

At the outset of the hearing the respondent landlord attending explained the circumstances that lead to the issuance of the 2 Month Notices to each of these tenants has changed and the landlords no longer seek to end these tenancies for the reasons noted in the 2 Month Notices issued on August 28, 2016.

The landlord explained that when the Notices were issued on August 28, 2016, the property was still owned by the previous owner (the other named respondent landlord on this Application). He stated that title transferred on September 23, 2016.

Residential Tenancy Policy Guideline #11 states that a landlord or tenant cannot unilaterally withdraw a Notice to End Tenancy. It goes on to say that with the consent of the party to whom it is given, but only with his or her consent, a Notice to End Tenancy may be withdrawn or abandoned prior to its effective date.

All of the tenants affected by the 2 Month Notice issued on August 28, 2016 have applied to seek to cancel the Notice and were represented at this hearing. I find that the tenants were all in agreement with the landlord's offer to rescind the notices.

Issue(s) to be Decided

The issues to be decided are whether the tenants are entitled to cancel 2 Month Notices to End Tenancy for Landlord's Use of Property, pursuant to Section 49 of the *Residential Tenancy Act (Act)*.

Conclusion

With the agreement of both parties I order that the 2 Month Notice to End Tenancy for Landlord's Use of Property issued to each of the named applicant tenants on August 28, 2016 are cancelled and the tenancies will all remain in full force and effect.

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 08, 2016

Residential Tenancy Branch