



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant; her advocate and one of the named respondent landlords.

At the outset of the hearing the respondent landlord attending noted that this case was similar to a proceeding held on November 8, 2016 at which time he explained the circumstances that lead to the issuance of 2 Month Notices to tenants at this residential property. At that hearing he clarified that circumstances have changed and the landlords no longer seek to end the tenancies in this property 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with the consent of the party to whom it is given, but only with his or her consent, a Notice to End Tenancy may be withdrawn or abandoned prior to its effective date.

The tenant affected by the subject 2 Month Notice to End Tenancy for Landlord's Use of Property issued on August 28, 2016 has applied to seek to cancel the Notice and was represented at this hearing. The tenant confirmed that she would provide her consent to allow the landlord to cancel the subject Notice.

Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to cancel a 2 Month Notice 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 the applicant tenant on August 28, 2016 is cancelled and the tenancy 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