



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property.

Both parties appeared. Both parties confirmed that they did not provide any evidence to the Residential Tenancy Branch, such as a copy of the notice to end tenancy or to the other party.

Under section 49 (2) of the Act, a landlord may end a tenancy by giving notice to end the tenancy effective on a date that must be

- (a) not earlier than 2 months after the date the tenant receives the notice,
- (b) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement, and
- (c) **if the tenancy agreement is a fixed term tenancy agreement, not earlier than the date specified as the end of the tenancy.**

Settlement

1. The parties agreed that the tenancy agreement is a fixed term agreement expiring on November 30, 2017, and at the end of the tenancy the tenants must move out;
2. The parties agreed that the notice to end tenancy under section 49 of the Act is effective earlier than the Act allows and therefore the notice is cancelled; and
3. The parties agreed that should the tenants find suitable housing earlier than the expiry of the fixed term agreement; the landlord will release the tenants from their obligations under the tenancy agreement as this is for the benefit of both parties.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

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: May 10, 2017

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Residential Tenancy Branch