



# Dispute Resolution Services

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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 which was dated March 15, 2018 by mistake.
- b. An order that the landlord comply with the Act, Regulations and or tenancy agreement.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 2 month Notice to End Tenancy was personally served on the Tenant(s) on January 15, 2018. The dates were wrong with the first Notice to End Tenancy and the landlord served a second 2 month Notice to End Tenancy on the Tenant(s) on February 5, 2018. I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was sufficiently serve on the landlord.

### **Issues to be Decided:**

The issues to be decided are as follows:

- a. Whether the tenant(s) are entitled to an order cancelling the two month Notice to End Tenancy dated March 15, 2018?
- b. Whether the tenant(s) are entitled to an order that the landlord comply with the Act, regulations and/or tenancy agreement?

### **Background and Evidence:**

The tenancy began approximately 2 years ago. The rental unit is furnished and the rent is \$500 per month payable in advance on the 15<sup>th</sup> day of each month. The tenant(s) paid a security deposit of \$2500 at the start of the tenancy

The second Notice to End Tenancy served by the landlord set the end of tenancy for April 15, 2018. The tenant is not disputing this end of tenancy date. She has received the benefit of the equivalent of one month rent under section 51 of the Act for the March 16, 2018 to April 15, 2018 as she is entitled to as she was served with a 2 month Notice to End Tenancy.

Analysis:

The parties agreed to end the tenancy on April 15, 2018 and the Tenant will be vacating the rental unit at that time. The tenant stated she wished to cancel this hearing.

Determination and Orders:

As the parties have agreed to end the tenancy on April 15, 2018 I ordered the claims in the Tenants' application be dismissed and I issued an Order of Possession effective April 15, 2018.

Order for Possession:

I granted the landlord an Order for Possession effective April 15, 2018.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

**This decision is final and binding on the parties.**

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: March 28, 2018

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Residential Tenancy Branch