



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNL FFT

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of a Two Month Notice to End Tenancy for Landlord's Use, pursuant to section 49 of the *Act*.

The landlord did not attend the hearing. The tenant attended the hearing to advise that she would like to withdraw her application. She stated that she told the landlord that she would not be following through with this dispute and she did not serve the landlord with the notice of this hearing. The tenant and her family have found other accommodations and moved out of the rental unit.

The tenant wished to have it noted that her family of five had been living in their three-bedroom apartment for seven years; and they had a very difficult time finding other accommodations given the low-vacancy housing market, with only two months' notice provided.

Rule 5.0.1 of the Residential Tenancy Branch Rules of Procedure sets out the process for the withdrawal of an application to dispute a notice to end tenancy, as follows:

*Where a tenant has applied to dispute a landlord's notice to end tenancy, the applicant tenant requires the written consent of the landlord to withdraw their application.*

*Required documents:*

- *the respondent landlord's written consent to the withdrawal*

As the tenant had not obtained the landlord's written consent to the withdrawal of the application, and as the landlord had not been served with notice of this hearing, I dismiss the tenant's application in its entirety without leave to reapply.

Issue(s) to be Decided

Should the landlord's Two Month Notice to End Tenancy for Landlord Use be cancelled, and if not, is the landlord entitled to an Order of Possession?

Conclusion

I dismiss the tenant's application in its entirety without leave to reapply.

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: July 3, 2018

---

Residential Tenancy Branch