



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL FFT

### Introduction

This hearing was scheduled to convene at 11:00 a.m. on July 18, 2018 by way of conference call concerning an application made by the tenants seeking an order cancelling a notice to end the tenancy for landlord's use of property and to recover the filing fee from the landlords for the cost of the application.

Both tenants attended the hearing, however the line remained open while the phone system was monitored for 15 minutes and no one for the landlords joined the call. One of the tenants advised that the landlords were served with the Tenant's Application for Dispute Resolution and notice of this hearing (the Hearing Package) by registered mail but does not recall the date. The tenants were permitted to provide to me proof of such service after the hearing had concluded. I have now received a Canada Post cash register receipt dated June 1, 2018 as well as a Canada Post tracking document indicating that the landlords received the registered mail on June 15, 2018. I am satisfied that the landlords have been served in accordance with the *Residential Tenancy Act*.

Where a tenant disputes a notice to end a tenancy given by a landlord, the onus is on the landlord to establish that it was given in accordance with the *Residential Tenancy Act*. The tenants have provided a copy of an email which appears to have been sent by one of the landlords to one of the tenants dated July 10, 2018 stating that the landlords "will waive the May 19, 2018 Notice" and requests to withdraw the application for dispute resolution prior to this hearing.

Since the landlords have not attended the hearing, I cancel the Two Month Notice to End Tenancy for Landlord's Use of Property dated May 9, 2018 and the tenancy continues.

Since the tenants have been successful with the application the tenants are also entitled to recovery of the \$100.00 filing fee. I grant a monetary order in favour of the tenants in that

amount and I order that the tenants be permitted to reduce rent by that amount for a future month or may otherwise recover it.

Conclusion

For the reasons set out above, the Two Month Notice to End Tenancy for Landlord's Use of Property dated May 9, 2018 is hereby cancelled and the tenancy continues.

I hereby grant a monetary order in favour of the tenants as against the landlords pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$100.00, and I order that the tenants be permitted to reduce rent by that amount for a future month or may otherwise recover it.

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 23, 2018

---

Residential Tenancy Branch