



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes OPE, FFL, CNC, CNL, MT, FFT

Introduction

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

- more time to cancel a Notice to End Tenancy, pursuant to section 66;
- cancellation of the One Month Notices to End Tenancy, pursuant to section 47;
- cancellation of the Two Month Notice to End Tenancy, pursuant to section 49;
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

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

- an Order of Possession for end of employment, pursuant to sections 48 and 55; and
- authorization to recover the filing fee for this application from the tenants, pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the beginning of the hearing, the male landlord (the "landlord") testified that the landlords' first names on the tenant's application for dispute resolution were incorrect. Pursuant to section 64 of the *Act*, I amended the tenant's application to reflect the correct spelling of the landlords' first names.

The tenant testified that her 12-year-old daughter was listed in both applications as a tenant. Pursuant to section 64 of the *Act*, I amended both applications to remove the tenant's daughter from both applications.

After 1 hour and 47 minutes I determined that since we had only heard testimony and evidence on two out of the four notices to end tenancy that we would adjourn the hearing to be reconvened at a future date.

While I indicated in the original hearing that I might write the decision on the first two notices to end tenancy issued by the landlord, I have decided to write the final decision on all four notices after the reconvened hearing.

Issue(s) to be Decided

1. Are the tenants entitled to more time to cancel a Notice to End Tenancy, pursuant to section 66 of the *Act*?
2. Are the tenants entitled to cancellation of the One Month Notices to End Tenancy, pursuant to section 47 of the *Act*?
3. Are the tenants entitled to cancellation of the Two Month Notice to End Tenancy, pursuant to section 49 of the *Act*?
4. Are the tenants entitled to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*?
5. Are the landlords entitled to an Order of Possession for end of employment, pursuant to sections 48 and 55 of the *Act*?
6. Are the landlords entitled to recover the filing fee for this application from the tenants, pursuant to section 72 of the *Act*?

Conclusion

Based on the above:

- **I order** this hearing will be reconvened in accordance with the Notice of Hearing documents attached to this Interim Decision;
- **I order** that this is not an opportunity for either party to amend their existing Applications for Dispute Resolution;

- **I order** that this is not an opportunity for either party to submit an additional Application for Dispute Resolution to be crossed or joined with any of the Applications for Dispute Resolution currently before me;
- **I order** that this is not an opportunity for either party to submit additional evidence.

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: October 05, 2018

Residential Tenancy Branch