



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT, OLC

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenants on July 12, 2018 (the “Application”). The Tenants applied to dispute a Two Month Notice to End Tenancy for Landlord’s Use of Property dated June 30th (the “Notice”). The Tenants also applied for an order that the Landlord comply with the *Residential Tenancy Act* (the “Act”), *Residential Tenancy Regulation* (the “Regulations”) and/or the tenancy agreement. The Tenants sought reimbursement for the filing fee.

Tenant A.W. appeared at the hearing and appeared for Tenant D.W. The Landlord appeared at the hearing.

Tenant A.W. advised at the outset that the Tenants vacated the rental unit pursuant to the Notice. He explained the Tenants’ request for the Landlord to comply with the *Act*, *Regulations* and/or the tenancy agreement and confirmed the request was the same as the dispute of the Notice.

I told Tenant A.W. it was my view the Tenants accepted the Notice and therefore could no longer dispute it. After a discussion in this regard, Tenant A.W. confirmed he was withdrawing the Application. The Landlord agreed to the Application being withdrawn. The Landlord was not seeking an Order of Possession because the Tenants had vacated the rental unit.

At the outset of the hearing, the Landlord said he never received notice of the hearing. Given Tenant A.W. appeared and withdrew the Application, I did not obtain details of service.

The Landlord also said Tenant A.W. was not a tenant and he never dealt with him. He acknowledged that Tenant A.W. lived in the rental unit. I did not go into this issue further with the parties as the Landlord acknowledged having a tenancy agreement with Tenant D.W., Tenant A.W. appeared at the hearing for Tenant D.W. and Tenant A.W. withdrew the Application. In my view, it was not necessary to determine whether Tenant A.W. is a tenant or occupant in the circumstances.

Conclusion

The Application is withdrawn.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: September 11, 2018

Residential Tenancy Branch