



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants filed under the *Residential Tenancy Act* (the “Act”), to cancel Two-Month Notice to End Tenancy for Landlord’s Use of the Property, (the “Notice”) issued on October 30, 2018, and to recover the filing fee for their application. The matter was set for a conference call.

One of the Tenants attended the hearing and was affirmed to be truthful in his testimony. As the Landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. Section 59 of the Act and the Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Tenant testified that he had personally served the Application for Dispute Resolution and Notice of Hearing documents to the Landlord on November 7, 2018. I find that the Landlord had been duly served in accordance with sections 89 and 90 of the Act

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter is described in this Decision.

Issues to be Decided

- Should the Notice issued on October 30, 2018, be cancelled?
- If not, Is the Landlord entitled to an order of possession?
- Are the Tenants entitled to the return of their filing fee?

Preliminary Matter

At the outset of this hearing, the Tenant withdrew the application, stating that the Tenants no longer wish to cancel the Notice and that both Tenants would move out of the rental unit in accordance with the Notice.

Analysis

I find that this Application for Dispute Resolution has been withdrawn.

Conclusion

The Application for Dispute Resolution has been withdrawn.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 *Residential Tenancy Act*.

Dated: December 11, 2018

Residential Tenancy Branch