



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNL-4 M, FFT

Introduction

This hearing was convened in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied to cancel a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rent Unit and to recover the fee for filing this Application for Dispute Resolution.

The female Tenant stated that on January 05, 2019 the Application for Dispute Resolution and the Notice of Hearing were personally served to the Landlord. The Agent for the Landlord acknowledged receipt of these documents.

On January 01, 2019 the Tenants submitted evidence to the Residential Tenancy Branch. The female Tenant stated that this evidence was served to the Landlord, via registered mail, on January 20, 2019. The Landlord acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

On February 04, 2019 the Landlord submitted evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was personally served to the Tenants on February 04, 2019. The female Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

On February 09, 2019 the Tenants submitted evidence to the Residential Tenancy Branch. The female Tenant stated that this evidence was served to the Landlord, via registered mail, on February 06, 2016. The Landlord acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

The parties were given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. The parties were advised of their legal obligation to speak the truth during these proceedings.

Issue(s) to be Decided

Should the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rent Unit, served pursuant to section 49 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

The Landlord and the Tenant agree that a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rent Unit was personally served to one of the Tenants on December 31, 2018.

The Notice to End Tenancy that was submitted in evidence declares that the Tenants must vacate the unit by May 01, 2019. The parties agree that the reason for ending the tenancy cited on the Notice is that the Landlord intends to renovate or repair the rental unit in a manner that requires the rental unit to be vacant.

The Agent for the Landlord stated that the Landlord accidentally served this Notice to End Tenancy and that the Landlord intended to serve a Two Month Notice to End Tenancy for Landlord's Use. She stated that the Landlord would like to withdraw the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rent Unit.

The female Tenant stated that she does not object to the Landlord withdrawing the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rent Unit.

Analysis

As the parties mutually agree that the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rent Unit may be withdrawn, I find that it is withdrawn and is of no force and effect. I therefore find that I do not need to consider the application to cancel this Notice to End Tenancy.

As the Tenants were served with a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rent Unit and the Tenant does not want the

tenancy to end, I find that it was reasonable for the Tenants to file this Application for Dispute Resolution and that they are entitled to recover the fee paid to file this Application.

Conclusion

The Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rent Unit has been withdrawn and is of no force and effect.

I hereby authorize the Tenants to reduce one monthly rent payment by \$100.00 in compensation for the fee paid to file this Application for Dispute Resolution.

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: February 12, 2019

Residential Tenancy Branch