



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL-4M, MT, RP, FFT

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("the Act") for:

- cancellation of the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit (the Four Month Notice) pursuant to section 49;
- more time to make an application to cancel the landlord's Four Month Notice pursuant to section 66;
- an order to the landlord to make repairs to the rental unit pursuant to section 32; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord's agent (the landlord) and the tenants attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. Tenant T.D. (the tenant) indicated that they would be the primary speaker in this hearing.

At the outset of the hearing the landlord testified that he is withdrawing the Four Month Notice dated September 30, 2018.

The tenant acknowledged that they have already received an order for repairs from the Residential Tenancy Branch (RTB) in a previous hearing and that they can proceed with repairs based on the previous order.

As the tenants have already received an order for the repairs sought in this Application from the RTB, I decline jurisdiction as the matter has already been previously decided.

### Analysis

As the landlord has withdrawn the Four Month Notice dated September 30, 2018, it is cancelled and of no force or effect.

This tenancy continues until it is ended in accordance with the *Act*.

As the tenants have been successful in this application, I allow them to recover their filing fee from the landlord.

### Conclusion

The tenants are successful in their Application.

The Four Month Notice dated September 30, 2018, is cancelled and of no force or effect.

This tenancy will continue until it is ended in accordance with the *Act*.

Pursuant to section 72 of the *Act*, I order that the tenants may reduce the amount of rent paid to the landlord from a future rent payment, on one occasion, in the amount of \$100.00 to recover the filing fee for this application.

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 19, 2019

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Residential Tenancy Branch