



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CHURCH OF CHRIST THE KING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, FFT

Introduction

This hearing was scheduled for 11:00 a.m. on this date, via teleconference call, to deal with the tenant's application to cancel a *2 Month Notice to End Tenancy for Landlord's Use of Property* ("2 Month Notice"). At approximately 11:09 a.m. the tenant appeared; however, there was no appearance on part of the landlord despite leaving the teleconference call open until 11:15 a.m.

The tenant testified that she personally served the landlord with the hearing documents within three days of filing her Application. I was satisfied the landlord was served with notification of this proceeding and I continued to hear from the tenant without the landlord present.

The tenant testified that the parties have agreed to withdrawal of the 2 Month Notice and the landlord has requested the tenant provide the original receipt for the filing fee she paid for this Application. The tenant has obtained a copy of the receipt from the Residential Tenancy Branch and sent it to the landlord and expects that the landlord will send her a cheque to reimburse her the cost of the filing fee but a refund of the filing fee has not yet been received.

Upon review of the 2 Month Notice submitted by the tenant at the time of filing, I find that it is not a valid or enforceable Notice to End Tenancy as it does not include a reason for ending the tenancy as required under section 52 of the Act. Given the invalid Notice and the parties' agreement to withdrawal of the 2 Month Notice, I find the tenancy continues at this time and the tenant is awarded recovery of the filing fee she paid for this Application. I provide the tenant with a Monetary Order in the amount of \$100.00 to ensure she recovers the filing fee from the landlord. In the event the landlord does not send her a cheque as anticipated, the tenant is authorized to deduct \$100.00 from a future month's rent payment in satisfaction of the Monetary Order.

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: May 10, 2019

Residential Tenancy Branch