



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Q-14 HOLDINGS LTD. AND MARTELLO PROPERTY SERVICES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL-4M, FFT

Introduction

This hearing was convened in response to Applications for Dispute Resolution filed by several Tenants, in which they applied to cancel a 4 Month Notices to End Tenancy for Demolition, Renovation, or Conversion to Another Use (Notice to End Tenancy) and to recover the fee paid to file their Applications for Dispute Resolution.

The Applications for Dispute Resolution name the same Landlord; they relate to the same residential complex; and they relate to the same issues. As such, the matters were joined by the Residential Tenancy Branch.

All Tenants named in these Applications for Dispute Resolution have identified the Tenant in attendance at the hearing as the lead Tenant in this matter.

Issues(s) to be Decided

Should the Notices to End Tenancy be set aside?

Are the tenants entitled to recover the filing fee for their applications?

Background and Evidence

At the outset of these proceedings and prior to the discussion of service of evidence, the Agent for the Landlord stated that the Landlord has informed all of the Tenants named in this matter that they are rescinding the Notices to End Tenancy that are the

subject of these proceedings. These Notices, dated January 24, 2020, declare that the aforementioned rental units must be vacated by May 31, 2020.

The Agent for the Landlord stated that all of the Notices are being rescinded due to the current pandemic and that the Tenants were advised of that intent earlier this month. He stated that the Landlord plans to proceed with the intended renovations sometime in the future.

The Tenant stated that the Tenants do not oppose the Landlord's decision to rescind the Notices.

Analysis

As the Landlord has opted to rescind all of the Notices to End Tenancy that are the subject of these proceedings and the Tenants do not oppose that rescission, I find that the Notices to End Tenancy are rescinded.

As the Landlord did not rescind these Notices to End Tenancy until after these Applications for Dispute Resolution had been filed, I find that that Tenants are entitled to recover the fee paid for filing the Applications for Dispute Resolution.

At the hearing the Tenant stated that the Tenants would like to recover the fee paid to file the Applications for Dispute Resolution by withholding \$100.00 from rent due.

Conclusion

The Notices to End Tenancy that are the subject of this dispute have been rescinded by the Landlord. Those notices are therefore of no force or effect. These tenancies shall continue until they are ended in accordance with the *Act*.

I hereby authorize the Tenant and/or Tenants of each rental unit to reduce one monthly rent payment by \$100.00, in compensation for the fee paid to file their 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 *Act*.

Dated: April 27, 2020

Residential Tenancy Branch