



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, LRE, LAT, OLC

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenants on February 18, 2020 (the “Application”). The Tenants applied as follows:

- To dispute a Two Month Notice to End Tenancy for Landlord's Use of Property dated February 03, 2020 (the “Notice”);
- To suspend or set conditions on the Landlords’ right to enter the rental unit;
- For authorization to change the locks to the rental unit; and
- For an order that the Landlords comply with the Act, regulation and/or the tenancy agreement.

The Tenants and Landlords appeared at the hearing.

The Tenants advised at the outset that they were vacating the rental unit April 30, 2020. Given this, I asked the Tenants what they wished to do with the Application. The Tenants agreed the issues, other than the dispute of the Notice, were no longer issues given they were vacating the rental unit in three days.

In relation to the dispute of the Notice, I discussed this with the parties. I outlined the options for dealing with this with the parties including withdrawing the dispute, proceeding with the dispute or coming to a settlement agreement. I explained that the Landlords had to consent to the Tenants’ withdrawing the dispute of the Notice. I explained to the Tenants that, if they proceed with the dispute of the Notice, I would decide the validity of the Notice and either uphold the Notice and issue an Order of Possession based on it or cancel the Notice in which case the tenancy would continue. I reminded the parties that the Notice involves compensation requirements. I explained

to the Tenants that, if they withdraw their dispute of the Notice, they would likely be out of time to dispute the Notice in the future.

The Tenants advised that they would withdraw the dispute of the Notice given they are vacating the rental unit in three days.

I asked the Landlords their position on the Tenants' withdrawing the dispute of the Notice and whether the Landlords wanted an Order of Possession. The Landlords advised they consented to the Tenants' withdrawing the dispute of the Notice. The Landlords said they do not require an Order of Possession.

I explained to the parties that withdrawing the Application meant I would not address the Notice, make any findings in relation to the Notice and would not make any orders.

I also explained to the parties that I could not tell them what they should do, I could only set out their options for dealing with the matter.

I confirmed with both parties that the Tenants' were withdrawing the Application and the Landlords were consenting to the Tenants withdrawing the dispute of the Notice.

Rule 5.0.1 of the Rules of Procedure states:

Where a tenant has applied to dispute a landlord's notice to end tenancy, the applicant tenant requires the written consent of the landlord to withdraw their application.

I allowed the Tenants to withdraw the Application. I allowed this in relation to the following issues as there is no prejudice to the Landlords in doing so, the tenancy is ending in three days and therefore these issues will soon be moot and the Landlords did not object to this:

- To suspend or set conditions on the Landlords' right to enter the rental unit;
- For authorization to change the locks to the rental unit; and
- For an order that the Landlords comply with the Act, regulation and/or the tenancy agreement.

I allowed the Tenants to withdraw the dispute of the Notice given the Landlords consented to this.

In the circumstances, the Application is withdrawn.

Conclusion

The Application is 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: April 27, 2020

Residential Tenancy Branch