



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Royal LePage Nanaimo Realty and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNL, RP

Introduction

This hearing dealt with an application by the tenant pursuant to section 49 of the *Residential Tenancy Act* to cancel a notice to end tenancy for landlord's use of property and for more time to do so. The tenant also applied for an order directing the landlord to carry out repairs.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenants represented themselves and were accompanied by their agent. The landlord was represented by their agents. As both parties were in attendance, I confirmed service of documents. The parties confirmed receipt of each other's evidence. I find that the parties were served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

RTB Rules of Procedure 2.3 states that if in the course of a dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may dismiss unrelated disputes contained in a single application with or without leave to reapply.

In this regard I find the tenant has applied for an order for the landlord to carry out repairs. As this section of the tenant's application is unrelated to the main section which is to cancel the two-month notice to end tenancy, I dismiss this section of the tenant's claim with leave to reapply.

Accordingly, this hearing only dealt with the tenant's application to set aside the notice to end tenancy for landlord's use of property and for additional time to do so.

During the hearing, the landlord informed me that the notice to end tenancy was not valid and that she wished to cancel the notice to end tenancy.

Conclusion

At the landlord's request the notice to end tenancy dated July 07, 2020 is cancelled and the tenancy will continue.

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: September 01, 2020

Residential Tenancy Branch