



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, FFT

Introduction

The tenants filed an Application for Dispute Resolution (the “Application”) on August 11, 2020 seeking an order to cancel the Two Month Notice to End Tenancy (the “Two-Month Notice”) for Landlord’s Use of the Property. Additionally, they applied for an Order instructing the landlord to comply with the legislation and/or the tenancy agreement. Additionally, they applied for a reimbursement of the Application filing fee.

The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”) on September 28, 2020. In the conference call hearing I explained the process and offered the attending party the opportunity to ask questions.

The landlord and their representative attended the hearing; the tenants did not. The landlord stated they received the notice of this hearing, including the date and time. Neither party submitted evidence for this hearing.

Background and Evidence

The landlord issued a Two-Month Notice the tenants on July 31, 2020. On the document itself, the indication is checked that the landlord served it in person to the tenants on that date. This specified a move-out date of September 30, 2020.

At the outset of the hearing, the landlord explained that the tenant withdraws their Application to cancel the Two-Month Notice. They explained that the property containing the rental unit was sold to a third party. This means the landlord no longer wishes to use the property for the reason indicated on the Two-Month Notice. The tenants will have a new landlord; that party is taking over as landlord on October 15, 2020 and chooses to continue the tenancy.

The tenants did not attend the hearing; therefore, there are no statements to show other than what the landlord conveyed at the start of this hearing. Because of these

circumstances, I find it is not required to grant the landlord an order of possession. As such, the tenancy will continue.

Because the tenants withdrew their Application, I grant no reimbursement of the \$100.00 Application filing fee.

Conclusion

For the reasons above, I acknowledge the tenants' application to dismiss the Two-Month Notice is withdrawn. The tenancy remains in effect.

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: October 1, 2020

Residential Tenancy Branch