



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

The tenant filed an Application for Dispute Resolution (the “Application”) on September 10, 2020 seeking an order to cancel the Two Month Notice to End Tenancy (the “Two Month Notice”) for the landlord’s use of property. The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”) on November 2, 2020. In the conference call hearing I explained the process and offered each party the opportunity to ask questions.

The tenants and landlord both attended the hearing. I am satisfied the tenant served the Notice of Dispute Resolution to the landlord prior to the hearing in good order.

Issue(s) to be Decided

Are the tenants entitled to an order cancelling the Two Month Notice?

Background and Evidence

Each party in attendance confirmed that the landlord signed the Two Month Notice on August 24, 2020 and served the document to the tenants on September 8, 2020. The end of tenancy date was stated to be November 1, 2020.

At the outset of the conference call hearing, the landlord acknowledged that the Two-Month Notice was flawed insofar as it consisted of a single page and was provided sometime after the landlord signed. The landlord provided that the document itself is null and void.

I verified with the tenants in the hearing that the document is of no force and effect. They were agreeable to this outcome of the hearing. Therefore, I find this issue is resolved by mutual consent.

As the tenants were successful in this application, I find the tenants are entitled to recover the \$100.00 filing fee paid for this application. I authorize the tenants to withhold the amount of \$100.00 from one future rent payment.

Conclusion

For the reasons above, I order that the Two Month Notice issued on September 8, 2020 is cancelled and the tenancy remains in full force and 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: November 3, 2020

Residential Tenancy Branch