



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the Two Month Notice to End Tenancy for Landlord's Use of Property, pursuant to section 49; and
- an Order directing the landlord to comply with the *Act*, regulation or tenancy agreement, pursuant to section 62.

Tenant S.B., the landlord and the landlord's agent attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Both parties agree that the landlord was served with the tenants' application for dispute resolution via registered mail. I find that the landlord was served in accordance with section 89 of the *Act*.

The landlord's agent testified that the landlord's last name was mis-spelled on the tenants' application for dispute resolution. Pursuant to section 64 of the *Act*, I amend the tenants' application for dispute resolution to state the correct spelling of the landlord's last name.

Both parties agree that in February 2021 the landlord cancelled the Two Month Notice to End Tenancy for Landlord's Use of Property dated December 4, 2020. Pursuant to the above, I find that the Two Month Notice to End Tenancy for Landlord's Use of Property dated December 4, 2020 is cancelled and of no force or effect.

The tenants' application for an Order directing the landlord to comply with the *Act*, regulation or tenancy agreement was for the landlord to not end the tenancy for landlord's use of property earlier than the fixed term of this tenancy agreement, which is set to end on November 8, 2021. In the hearing the landlord's agent agreed that the landlord could not end the tenancy for landlord's use of property earlier than the end of this fixed term.

Based on the above, I find that the issues raised in the application are no longer applicable as the landlord cancelled the two month notice and agreed not to end the tenancy for landlord's use of property before the end of this fixed term. The tenants' application for dispute resolution is therefore dismissed without leave to reapply.

Conclusion

The tenant's application for dispute resolution is dismissed without leave to reapply.

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: March 04, 2021

Residential Tenancy Branch