



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **LRE, CNL, FFT**

### Introduction

This hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the "Act") for:

- An order suspending the landlord's right to enter the rental unit pursuant to section 70;
- An order to cancel a 2 Month Notice to End Tenancy for Landlord's Use pursuant to sections 49 and 55; and
- Authorization to recover the filing fee from the other party pursuant to section 72.

Both of the tenants attended the hearing. Likewise, LE, the landlord named in this proceeding was in attendance. In addition, counsel for the co-owner of the rental unit, DE attended the hearing.

The parties were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Rule 6.11 of the Residential Tenancy Branch Rules of Procedure ("Rules"). The parties were informed that if any recording was made without my authorization, the offending party would be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act.

### Background and Facts

At the commencement of the hearing, DE's counsel sought standing to be present at the hearing. Counsel submits that DE is a co-owner of the rental unit and DE is named as the landlord on the tenancy agreement supplied as evidence in this hearing. Counsel for DE also submits that DE and LE (the named landlord in this proceeding) are currently in the midst of a divorce proceeding in the Supreme Court and the division of matrimonial property includes the subject rental unit.

The landlord LE did not dispute the submissions of DE's counsel. LE testified that she and DE currently own the rental unit 50/50. In light of the confusion regarding the status of the ownership of the rental property and who the de facto landlords of the rental unit

are, the landlord agreed to withdraw the 2 Month Notice to End Tenancy for Landlord's Use. The tenants were in agreement with the withdrawal and stated so during the hearing.

The issue of the tenant's application seeking an order restricting the landlord's right to enter the rental unit was not canvassed during the hearing. As such, I dismiss this issue with leave to reapply.

The decision to order payment of the filing fee is discretionary upon the arbitrator and in accordance with section 72 of the *Act*, the filing fee will not be recovered.

### Conclusion

The landlord's 2 Month Notice to End Tenancy for Landlord's Use was withdrawn during the hearing. Consequently, the tenant's application seeking to cancel the notice is dismissed without leave to reapply. I make no finding of facts regarding the validity of the notice to end tenancy.

The tenant's application seeking a restriction on the landlord's right to enter the rental unit is dismissed with 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: December 17, 2021

---

Residential Tenancy Branch