



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on March 25, 2022 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Two Month Notice") dated March 11, 2022; and
- an order granting the return of the filing fee.

The hearing was scheduled for 9:30 AM on June 2, 2022 as a teleconference hearing. The Tenant M.N. attended the hearing at the appointed date and time and provided affirmed testimony. No one appeared for the Landlords. The conference call line remained open and was monitored for 11 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that Tenant and I were the only persons who had called into this teleconference.

At the start of the hearing, the Tenant stated that he emailed the Notice of Hearing to the Landlords on March 30, 2022. The Tenant stated that he emailed the Landlords further evidence on May 18, 2022. The Tenant stated that the Landlords had acknowledged that email would be an appropriate method of service for such documents. Furthermore, the Tenant stated that the Landlords acknowledge receipt of the Tenant's documents via text. Based on the oral testimony provided by the Tenant during the hearing, I find that the Landlords were sufficiently served with the above mentioned documents pursuant to Section 71 of the *Act*.

As no one attended the hearing for the Landlords in support of the Two Month Notice, I find that the Two Month Notice dated March 11, 2022 is cancelled. I order the tenancy to continue until ended in accordance with the Act.

As the Tenants were successful with their Application, I find they are entitled to recover the \$100.00 filing fee paid to make the Application. I order that this amount may be deducted from the next month's rent payment.

Conclusion

No one attended the hearing for the Landlords. The Tenants' Application is successful. The Two Month Notice issued by the Landlord dated March 11, 2022 is cancelled. The tenancy will continue until ended in accordance with the Act.

The Tenants are entitled to deduct \$100.00 from the next month's rent for recovery of the filing fee.

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: June 02, 2022

Residential Tenancy Branch