



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FFT

Introduction and Preliminary Matters

This hearing was convened as a result of the tenants' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The tenants applied to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property dated May 27, 2022 (2 Month Notice) and to recover the cost of the filing fee.

The tenants, an agent for the tenants, MD (tenant agent) and a landlord agent, HL (agent) attended the teleconference hearing. The agent requested to withdraw the 2 Month Notice at the hearing, which was a surprise to the tenants. The tenants discussed the withdrawal and after considering their options, the tenants agreed to the landlord withdrawing the 2 Month Notice.

The parties were advised that due to the landlord waiting until the hearing to withdraw the 2 Month Notice, that I would be using my discretion under the Act to grant the tenants their filing fee of \$100.00, which I will address further below.

Analysis

As the parties mutually agreed that the 2 Month Notice would be withdrawn, I find the 2 Month Notice is of no force or effect.

The tenancy shall continue until ended in accordance with the Act.

The 2 Month Notice is of no force or effect.

As the landlord waited until the hearing date to request a withdrawal of the 2 Month Notice, which the tenants indicated they were surprised by, I grant the tenants the recovery of the \$100.00 filing fee. **I authorize** the tenants a one-time rent reduction in the

amount of **\$100.00** from a future month's rent in full satisfaction of the recovery of the cost of the filing fee pursuant to sections 62(3) and 72 of the Act.

I caution the landlord from issuing any notice to end tenancy only to withdraw that notice at a dispute resolution hearing. Should this occur again in the future, the tenants may wish to contact the Residential Tenancy Branch Compliance and Enforcement Unit (RTB CEU) and request an investigation of the landlord's conduct. The RTB CEU website is located at:

<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/compliance-and-enforcement>

Conclusion

The 2 Month Notice was withdrawn at the hearing by consent of the parties and is of no force or effect.

The tenancy shall continue until ended in accordance with the Act.

The tenants have been granted the filing fee by way of a one-time rent reduction as indicated above.

The landlord has been cautioned as indicated above.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: July 21, 2022

Residential Tenancy Branch