



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

This hearing dealt with the Tenants' application under the *Residential Tenancy Act* (the "Act") for:

- cancellation of a Two Month Notice to End Tenancy for Landlord's Use or Property pursuant to section 49; and
- authorization to recover the filing fee for this application from the Landlord pursuant to section 72.

The Landlord and one of the Tenants, MN, attended this hearing.

Preliminary Matter – No Notice to End Tenancy

Based on the parties' testimony, I find the Landlord had asked the Tenants to sign a Mutual Agreement to End a Tenancy (#RTB-8), which the Tenants did not sign. I find the Landlord did not issue a Two Month Notice to End Tenancy for Landlord's Use of Property (#RTB-32) to the Tenants.

Since there has been no notice to end tenancy issued by the Landlord, I find the Tenants' application to cancel a notice under section 49 of the Act to be moot.

Conclusion

The Tenants' application is dismissed without leave to re-apply.

This tenancy shall continue until ended in accordance with the Act, the regulations, and the parties' tenancy agreement.

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: January 20, 2023

Residential Tenancy Branch