



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, FFT

This hearing was convened as a result of an Application for Dispute Resolution filed by RT and LB on September 20, 2022. RT and LB requested the following relief, pursuant to the Residential Tenancy Act (the Act):

- an order cancelling a Four Month Notice to End Tenancy for Demolition or Conversion of Rental Unit dated August 26, 2022 (the Four Month Notice); and
- an order granting recovery of the filing fee.

Both RT and LB attended the hearing. The Landlord did not attend the hearing.

During the hearing, RT and LB confirmed they live in different units at the rental property. Although RT and LB stated they each received a notice to end tenancy, the only notice to end tenancy submitted into evidence was the Four Month Notice issued to RT. In addition, the tenancy agreement submitted into evidence only referred to RT.

RT referred to a letter he received from the Landlord dated January 31, 2023. It states:

This is a letter to inform you that the noted form you received on August 26, 2022 is no longer valid.

Please confirm by email that the hearing on February 3, 2023 at 1:30 pm has been cancelled.

Considering the above, I accept that the Four Month Notice issued to RT has been withdrawn by the Landlord and is of no force or effect. I order that RT's tenancy will continue until otherwise ended in accordance with the Act.

Generally, tenants who reside in different rental units under different tenancy agreements are required to make separate applications for dispute resolution if they wish to dispute a notice to end tenancy. In this case, RT and LB confirmed that LB is a tenant in a different rental unit. Although LB stated that she received a notice to end tenancy, the correct process was for LB to make an application for dispute resolution in relation to the notice to end tenancy she received. I find there is insufficient evidence before me to confirm that LB received a notice to end tenancy, or that it was disputed in accordance with the Act. In addition, I find that LB's claim, if any, was incorrectly added to RT's claim, which is supported by documentary evidence. Again, LB occupies a different rental unit under a different tenancy agreement. Therefore, pursuant to section 64(3) of the Act, I find it is appropriate in the circumstances to amend the application to remove LB as a party. However, for the information of LB, I have forwarded a copy of this decision to her.

With respect to the filing fee, RT advised that he wishes to pursue recovery of the filing fee directly with the Landlord. Therefore, I find that the RT's request for the recovery of the filing fee 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: February 3, 2023

Residential Tenancy Branch