



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction, Preliminary and Procedural Matters-

This hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (Act). The tenant applied for an order cancelling the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (Notice) and recovery of the filing fee.

The Notice here was dated June 26, 2020, and listed an effective end of tenancy date of August 31, 2020.

The tenant, his legal counsel, the landlord, their legal counsel and the landlord's witness attended the hearing.

At the outset of the hearing, the landlord's legal counsel submitted that the tenant has been served a new Two Month Notice to End Tenancy for Landlord's Use of Property, as the subject Notice here listed the incorrect reason for ending the tenancy.

The Notice was not submitted into evidence, but the landlord's legal counsel said it listed a new effective date of September 30, 2020.

It must be noted that the Notice here listed as reason for ending the tenancy was that the rental unit would be occupied by the landlord's close family member.

The new Notice served on the tenant marked that the landlord is a family corporation and a person owning voting shares, or a close family member of the person, intends in good faith to occupy the rental unit.

The landlord's legal counsel requested that the hearing continue, as the issues and evidence are the same.

The tenant's legal counsel objected to the continuance of the hearing, as the tenant has filed another application to dispute the second Notice.

I declined to continue the hearing, as the second Notice was not before me.

I determined that the landlord's actions effectively cancelled or withdrew the first Notice, as they confirmed the incorrect reason was listed.

The tenant confirmed that he did not object to the Notice being withdrawn.

Due to the above, I find by mutual agreement of the parties, the Notice dated June 26, 2020, with an effective date of August 31, 2020, is withdrawn.

As I did not consider the merits of the Notice or the tenant's application, I decline to award the tenant 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: August 11, 2020

Residential Tenancy Branch