

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a notice to end tenancy issued for unpaid rent.

Service of the hearing documents, by the Tenant to the Landlord, was done in accordance with section 89 of the *Act*, served to the Resident Manager in person by the Tenant on July 19, 2009. I note that the service was not done in accordance with section 59 of the *Act* that states a person who makes an application for dispute resolution must give a copy of the application to the other party within three days of making it. In this case the Tenant filed his amended application on July 9, 2009 and did not serve the Resident Manager until ten days later, July 19, 2009.

The Owner, Resident Manager, and Tenant appeared, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, in documentary form, and to cross exam each other.

All of the testimony and documentary evidence was carefully considered.

Issues(s) to be Decided

Is the Tenant entitled to an Order to cancel a notice to end tenancy under section 46 of the *Residential Tenancy Act*?

Background and Evidence

Both the Resident Manager and the Tenant testified that they previously came to a mutual agreement to end the tenancy as of July 31, 2009 and both confirmed that the Tenant vacated the rental unit as per their agreement.

Analysis

The parties came to an agreement to end the tenancy prior to the Dispute Resolution Hearing and the tenancy ended as of July 31, 2009. As the tenancy has ended I find that an Order to cancel a notice to end tenancy is no longer required so I hereby dismiss the Tenant's application, without leave to reapply.

Conclusion

I HEREBY DISMISS the Tenant's application, 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: August 24, 2009.

Dispute Resolution Officer