

## **DECISION**

**Dispute Codes:** MT, OLC, FF, O

### **Introduction**

This is the Tenant's application to be allowed more time to apply to cancel a Notice to End Tenancy; for an order that the Landlord comply with the Act; and to recover the cost of the filing fee from the Landlord.

I reviewed the evidence provided prior to the Hearing. The Tenant gave affirmed testimony and the Hearing proceeded on its merits.

### **Issues to be Decided**

- Should the Tenant be allowed more time to file an application to cancel a Notice to End Tenancy?
- Should the Landlord be ordered to comply with the Act?
- Is the Tenant entitled to recover the cost of the filing fee from the Landlord?

### **Background and Evidence**

The Tenant gave the following testimony:

The Tenant served the Landlord with the Notice of Hearing documents by registered mail on October 15, 2009. The Tenant provided the tracking number for the registered mail documents.

The Tenant advised that she had agreed to vacate the rental unit on October 31, 2009. The Tenant provided a copy of the Notice to End Tenancy in evidence.

The Tenant testified that the Landlord was entering her suite without notice. The Tenant asked about compensation for loss of peaceful enjoyment.

### **Analysis**

I am satisfied that the Tenant duly served the Landlord with the Notice of Hearing documents, by registered mail, on October 15, 2009. Service in this manner is deemed to be effected five days after mailing the documents. Despite being deemed served

with the Notice of Hearing documents on October 20, 2009, the Landlord did not sign into telephone conference and the Hearing continued in her absence.

The Notice to End Tenancy provided in evidence is not in the approved form according to the provisions of Section 52(e) of the Act. However, the Tenant testified that she agreed to vacate the rental unit on October 31, 2009. Therefore, I find that the Landlord and Tenant reached a mutual end of tenancy agreement.

The tenancy ended on October 31, 2009, and therefore, the Tenant's Application is dismissed without leave to reapply.

The Tenant did not apply for a monetary order on her Application for Dispute Resolution filed October 14, 2009. The Tenant is at liberty to apply for such an order, should she wish to do so.

### **Conclusion**

The Tenant's application 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: November 9, 2009.

---