



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNR

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application to set aside a Notice to End Tenancy for Unpaid Rent.

Both parties were represented at the hearing.

Issue(s) to be Decided

The issue to be decided is whether the Notice to End Tenancy for Unpaid Rent, served pursuant to section 46 of the *Residential Tenancy Act (Act)*, should be set aside.

Background and Evidence

The Landlord and the Tenant agree the Tenant was served with a Ten Day Notice to End Tenancy for Unpaid Rent; that the rent for October of 2009 was not paid in full; and that the rent was not paid in full because a co-tenant died unexpectedly and did not pay her portion of the rent.

The Landlord declared that this tenancy is the subject of a dispute resolution hearing scheduled for February 17, 2010, at which time the Landlord will be seeking compensation for unpaid rent and compensation for damage to the rental unit.

The Landlord and the Tenant agree that the rental unit has been vacated. The Tenant still wishes to have the Notice to End Tenancy set aside because he intended to vacate the rental unit on his own accord and does not wish to have a record that he has been evicted. The Landlord stated that she is willing to withdraw the Notice to End Tenancy if that would satisfy the Tenant, as she no longer needs to rely on the Notice to obtain possession of the rental unit.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

Conclusion

On the basis of the mutual agreement to set aside the Ten Day Notice to End Tenancy, I hereby set aside the Notice to End Tenancy and find it to be of no force and effect.

The parties are hereby advised that the decision to set aside the Notice to End Tenancy has no bearing on the dispute resolution hearing that is scheduled for February 17, 2010 and that the issue of whether rent is owed will be determined on February 17, 2010.

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 16, 2009.

Dispute Resolution Officer