



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This matter dealt with an application by the Tenant to cancel a One Month Notice to End Tenancy for Cause dated June 15, 2011 and to recover the filing fee for this proceeding.

The Tenant said he served the Landlord with the Application and Notice of Hearing (the "hearing package") by registered mail on June 28, 2011. According to the Canada Post online tracking system, a notification card was delivered to the Landlord on June 30, 2011 however the Landlord did not pick up the mail. Based on the evidence of I find that the Landlord was served with the Tenant's hearing package as required by s. 89 of the Act and the hearing proceeded in the Landlord's absence.

In previous proceedings between these parties heard on June 6, 2011, the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent was cancelled. On June 15, 2011, the Landlord served the Tenant with a One Month Notice to End Tenancy for Cause dated June 15, 2011 by posting it to the door of the Tenant's workplace and faxing it to the Tenant's work place. The Tenant said that since filing his application in this matter, his relationship with the Landlord has deteriorated further and as a result, he moved out of the rental unit on July 8, 2011. Consequently, the Tenant withdrew his application in this matter.

Conclusion

The Tenant's application is withdrawn. 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: July 20, 2011.

Residential Tenancy Branch