



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, MNDC, OLC, ERP, PSF

This is an application filed by the Tenant for an order cancelling a notice to end tenancy issued for cause, an order cancelling a notice to end tenancy issued for unpaid rent, a monetary order request for compensation for damage or loss, an order for the Landlord to comply with the Act, Regulation or Tenancy Agreement, an order for the Landlord to make emergency repairs for health or safety reasons and an order to provide services or facilities agreed upon but not provided.

Both parties called into the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

At the beginning of the hearing the Tenant stated that he wished to withdraw his monetary claim as he states, "this is not about money". As such, no further action is required for the Tenant's monetary claim.

The Tenant indicated in his direct testimony that he had already vacated the rental unit at the beginning of December and was no longer requesting an order to cancel the notice to end tenancy for cause and for unpaid rent or utilities. The Landlord confirmed this in her direct testimony stating that she received a message from her real estate agent who states that an email was received on December 7, 2013 from the Tenant stating that he had vacated the rental unit and was able to show the rental anytime they wanted. The Tenant re-confirmed this in his direct testimony.

At 2:42 pm, the Tenant was disconnected. The call was left open until 2:52 pm, when it was determined that the Tenant would not re-connect. I find based upon the above direct testimony of both the Landlord and the Tenant that the application to cancel a notice to end tenancy issued for cause and for unpaid rent or utilities, an order for emergency repairs, an order to provide services or facilities agreed upon but not provided and an order for the Landlord to comply with the Act are dismissed. As the Tenant has not re-connected to pursue the application and the Landlord is in response, the 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: December 12, 2013

Residential Tenancy Branch

