



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenants to cancel a notice to end tenancy for cause.

The Tenants also applied to recover the filing fee but a filing fee was not paid by the Tenant and therefore this portion of the Tenants’ Application was dismissed.

One of the Tenants and the Landlord appeared for the hearing and provided affirmed testimony during the hearing. No issues were raised by the parties in relation to service of the Notice of Hearing documents under the *Residential Tenancy Act* (the “Act”).

At the start of the hearing, the Landlord indicated that the Tenants had rectified all of the issues outlined in his breach letter to the Tenants that led to them being issued with a 1 Month Notice to End Tenancy for Cause (the “Notice”) on March 26, 2014. As a result, the Landlord stated that he no longer wanted to pursue the Notice and the Tenant confirmed that all of the issues relating to the Notice had indeed been dealt with.

Policy guideline 11 to the Act explains that a Landlord or Tenant cannot unilaterally withdraw a notice to end tenancy unless there is consent from the party to whom it is given.

As a result, the Landlord and Tenant both agreed that the Notice would be withdrawn by the Landlord and the tenancy will continue until such time it is ended in accordance with the Act.

As the Notice has been withdrawn with the consent of both parties, the Tenants' Application is hereby dismissed and this file is now closed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: May 26, 2014

Residential Tenancy Branch

