



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Stonecliff Properties LTD. dba Stonecliff Park
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant applied to cancel a 10 day Notice to end tenancy for unpaid rent issued on August 2, 2014.

The tenant provided affirmed testimony that copies of the Application for Dispute Resolution and Notice of Hearing was sent to the landlord on August 15, 2014 via registered mail to the address noted on the Application. A Canada Post tracking number was provided as evidence of service. These documents are deemed to have been served in accordance with section 89 and 90 of the *Act*; however the landlord did not appear at the hearing.

Preliminary Matter

The tenant applied to cancel a 10 day Notice to end tenancy issued on August 2, 2014. An error was made on the application; the tenant did not wish to cancel a Notice ending tenancy for cause.

On September 25, 2014 the landlord submitted evidence to the Residential Tenancy Branch that said the landlord had withdrawn the 10 day Notice ending tenancy for unpaid rent issue on August 2, 2014. The landlord submitted the \$40.00 outstanding rent had been paid on August 11, 2014 and a mutual agreement to end the tenancy had been reached.

The landlord did not attend the hearing, which was ended twelve minutes after the scheduled start time.

Therefore, based on the absence of the landlord and the letter indicating the landlord had withdrawn the Notice, I find that the 10 day Notice ending tenancy for unpaid rent issued on August 2, 2014 is of no force and effect. The tenancy will continue until it is ended in accordance with the legislation.

Conclusion

The 10 day Notice to end tenancy for unpaid rent issued on August 2, 2014 is of no force and effect.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: October 10, 2014

Residential Tenancy Branch

