



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RP, FF, O

Introduction

This matter dealt with an application by the Tenants to cancel a Notice to End Tenancy for Cause, for repairs to the unit property or site, to recover the filing fee for this proceeding and for other considerations.

The Tenant said they served the Landlord with the Application and Notice of Hearing (the “hearing package”) by personal delivery on July 3, 2015. Based on the evidence of the Tenant, I find that the Landlord was served with the Tenants’ hearing package as required by s. 89 of the Act and the hearing proceeded in the Landlord’s absence.

At the start of the hearing it was noted that the Tenants had filed their application to dispute the Notice to End Tenancy 20 days after the deadline to dispute a notice. Consequently the Tenants are presumed to have accepted the Notice to End Tenancy due to late filing. The Tenant continued to say that the Landlord gave them a written note on July 4, 2015 indicating the Landlord was cancelling the 1 Month Notice to End Tenancy for Cause dated June 1, 2015 and the tenancy would continue as agreed in the tenancy agreement dated March 27, 2014. Consequently the Tenant said they are withdrawing their application.

Conclusion

The Tenants' application is withdrawn and the tenancy is ordered to continue as agreed in the tenancy agreement dated March 27, 2014.

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: September 01, 2015

Residential Tenancy Branch

