



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: CNL

Introduction

This hearing was convened by way of conference call in response to a Tenant's Application for Dispute Resolution (the "Application") filed on July 18, 2016 to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property (the "Notice").

The Tenant, the Landlord, and the Tenant's legal advocate appeared for the hearing. The Landlord confirmed receipt of the Tenant's Application and her evidence. The Tenant's legal advocate confirmed receipt of the Landlord's written submissions prior to the hearing.

At the start of the hearing, the Landlord indicated that he had been having discussions with the Tenant to end this tenancy. The Tenant confirmed these discussions but stated that nothing had been agreed and that she wanted to continue these negotiations outside of the dispute resolution process.

I allowed the parties to have a discussion about this matter during the hearing. However, the parties were unable to agree during the hearing on a date to mutually end the tenancy but decided that they prefer to continue these discussions unhindered outside of the hearing.

The parties were provided with the option of having the Notice determined in this hearing or withdrawing the Notice. Policy Guideline 11 on the withdrawal of notices to end tenancy 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 As a result, the Landlord and Tenant both voluntarily agreed that the Notice dated July 3, 2016 would be withdrawn by the parties and that the tenancy will continue until such time it is ended in accordance with the Act. The parties confirmed their voluntary understanding of this decision and that the tenancy must end pursuant to the Act, which may include mutual agreement in writing or the issuing of another notice to end tenancy.

Conclusion

The parties consented to the withdrawal of the Notice dated July 3, 2016. Therefore, this Notice has no effect and the tenancy will continue until it is ended in accordance with the Act. Accordingly, the Tenant withdrew her Application to dispute the Notice.

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 07, 2016

Residential Tenancy Branch