



# Dispute Resolution Services

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## Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding Dole Enterprises Ltd.  
and [tenant name suppressed to protect privacy]

### **DECISION**

Dispute Codes CNC, AAT, FF

#### Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause, for an order allowing access to (or from) the rental unit for the tenant and the tenant's guests, and to recover the filing fee from the landlord for the cost of the application.

The named landlord attended the hearing, gave affirmed testimony and also represented the landlord company. However, the line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenant joined the call.

Since the tenant has not attended the conference call hearing, I dismiss the tenant's application in its entirety without leave to reapply.

The landlord advised that the tenant still resides in the rental unit, and an Order of Possession is not sought, and that the landlord withdraws the 1 Month Notice to End Tenancy for Cause.

Where a party gives notice to end a tenancy, it can only be withdrawn with the consent of both parties. In this case, the landlord withdraws the notice, and the tenant has applied to cancel it. I find that the parties have consented, and as a result the tenancy continues.

#### Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

The 1 Month Notice to End Tenancy for Cause dated September 30, 2016 is hereby cancelled and the tenancy continues.

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: November 25, 2016

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Residential Tenancy Branch

