



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 320542 BC LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, CNC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the “Act”), to cancel a Notice To End Tenancy, issued on July 15, 2017, and to recover the filing fee.

### Preliminary and procedural matter

The tenant attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail on July 21, 2017.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the landlord has been duly served in accordance with the Act.

The tenant testified that they had a conversation with the landlord on September 28, 2017, and the landlord agreed to withdraw the Notice to End Tenancy; however, that was not in writing.

In this case the landlord did not attend the hearing. I accept the undisputed evidence of the tenant that the landlord had agreed to withdraw the Notice to End Tenancy. Therefore, I grant the tenant’s application to cancel the Notice to End Tenancy.

However, as the tenant admitted that all rent was not paid at the time they filed their application, I decline to award the tenant the cost of the filing fee.

**The landlord should be aware** that the form that they issued “Notice To End Tenancy” is extremely old (2003); although that does not necessarily void the form, that would be an issue for an Arbitrator to consider at any future hearing. The Residential Tenancy Branch website contains the current version of all form.

### Conclusion

The tenant’s application to cancel the notice is granted.

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 29, 2017

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Residential Tenancy Branch