



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC OLC FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 1 Month Notice (the Notice) to End Tenancy for Cause pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and,
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and provided affirmed testimony. All parties were given a full opportunity to be heard, to present evidence and to make submissions. Neither party raised any issues with respect to service of the Notice of Hearing, or the documentary evidence each party was relying upon during the hearing.

The tenant's reason for this application was to cancel the Notice and he stated that he does not require an order requiring the landlord to comply with the *Act*. As such, I amend the application accordingly. Further, both parties agreed in the hearing that the Notice to End Tenancy will be withdrawn and that the tenancy will continue. Residential Tenancy Policy Guideline 11 authorizes the withdrawal of the Notice, as specified, when both parties consent. Accordingly, the Notice, delivered on August 10, 2017, is hereby withdrawn, and is of no force and effect.

Since parties reached a mutual agreement, I find that the cost of this application should be split between both parties. Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. As the tenant paid \$100.00

for this application, I allow the tenant to withhold \$50.00 in rent from next month's payment.

Conclusion

The 1 Month Notice to End Tenancy is withdrawn and the tenancy will continue, as per the mutual agreement reached in the hearing.

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: October 05, 2017

Residential Tenancy Branch