



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause, dated September 26, 2017 ("1 Month Notice"), pursuant to section 47; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord's agent ("landlord") and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he was the property manager for the landlord company named in this application and that he had authority to speak on its behalf as an agent at this hearing.

The hearing began at approximately 9:30 a.m. with only me and the landlord present. The tenant called in late at approximately 9:33 a.m. but did not announce herself until approximately 9:36 a.m. I notified the tenant about what occurred in her absence before she called in to the hearing. The hearing ended at approximately 9:40 a.m.

At the outset of the hearing, both parties confirmed that they had reached a settlement prior to the hearing. The landlord confirmed that he did not require an order of possession and he understood that if I cancelled the 1 Month Notice, he would not be able to reapply for an order of possession in the future base on the same cancelled notice. The tenant confirmed that she would bear the cost of her \$100.00 filing fee paid for this application.

Accordingly, I informed both parties that the landlord's 1 Month Notice was cancelled, that I was not issuing an order of possession to the landlord, and that the tenant's application to recover the filing fee was dismissed without leave to reapply.

Conclusion

The landlord's 1 Month Notice, dated September 26, 2017, is cancelled and of no force or effect. The landlord is not entitled to an order of possession.

The tenant's application to recover the \$100.00 application filing fee is dismissed without leave to reapply.

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: December 15, 2017

Residential Tenancy Branch