



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

This hearing dealt with an Application for Dispute Resolution (the "Application") filed by the Tenant under the *Residential Tenancy Act* (the "Act"), seeking cancellation of a One Month Notice to End Tenancy for Cause (the "One Month Notice") and recovery of the filing fee.

The hearing was convened by telephone conference call and was attended by legal counsel for the Tenant. The Landlord did not attend. At the outset of the hearing legal counsel for the Tenant testified that the Tenant wished to withdraw the Application as the matter has been resolved. Legal counsel for the Tenant submitted that the Application and Notice of Hearing was sent by the Tenant to the Landlord via e-mail on December 6, 2017. Legal counsel for the Tenant acknowledged that e-mail is not an acceptable form of service under the *Act*, however, he stated that on December 7, 2017, he received e-mail correspondence from the Landlord confirming receipt of the Application and Notice of Hearing and therefore that the Landlord should be considered served. In the absence of evidence to the contrary, I accept that the Landlord was served with the Application and Notice of Hearing on December 7, 2017.

I waited ten minutes and as the Landlord did not appear at the hearing, I granted the request from the Tenant's legal counsel to withdraw the Application. The Tenant remains at liberty to reapply. This is not an extension of any statutory deadline.

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: February 21, 2018

Residential Tenancy Branch