



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OPC, FF

Introduction

This hearing was scheduled for 9:30 a.m. on this date, via teleconference call, to deal with cross applications. The tenants had applied to cancel a 1 Month Notice to End Tenancy for Cause dated February 18, 2018. The landlord applied for an Order of Possession based on a 1 Month Notice to End Tenancy for Cause dated February 18, 2018. One of the tenants appeared at the hearing but there was no appearance on part of the landlord despite leaving the teleconference call open until at least 9:40 a.m.

The tenant testified that he served the landlord with the tenant's Application for Dispute Resolution in person on February 20, 2018. The tenant also confirmed that he was served with the landlord's Application for Dispute Resolution. I was satisfied that the parties had exchanged their respective applications and I continued to hear from the tenant without the landlord present.

The tenant stated that he had enquired about the hearing cancellation process a few days ago but the hearing could not be cancelled since the landlord had also filed an Application for Dispute Resolution which requires the landlord to also request cancellation of the hearing. The landlord had not contacted the Residential Tenancy Branch to request cancellation of the hearing so this hearing remained scheduled.

Since the landlord did not appear at the hearing, I dismissed the landlord's application without leave to reapply.

The tenant testified that the tenants and the landlord agreed to withdraw the 1 Month Notice that was the subject of this proceeding and continue with the tenancy although at a higher amount of rent.

Based on the tenant's statement that the 1 Month Notice was withdrawn by mutual agreement; and, considering the landlord did not appear at the hearing to show cause for ending the tenancy, **I cancel the 1 Month Notice to End Tenancy for Cause dated February 18, 2018 and it no longer has any force or effect.**

The tenant was informed that rent increases must be accomplished in a manner that complies with the Act. I encourage the parties to familiarize themselves with rent increase provisions of the Act by contacting the Residential Tenancy Branch.

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: April 26, 2018

Residential Tenancy Branch