



# Dispute Resolution Services

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## Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding CITY OF VANCOUVER OPPENHEIMER LODGE  
and [tenant name suppressed to protect privacy]

### **DECISION**

Dispute Codes CNC, MT

#### Introduction

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

- cancellation of a One Month Notice to End Tenancy for Cause (One Month Notice), pursuant to section 47 of the *Act*; and
- more time to make an application to cancel a notice to end tenancy, pursuant to section 66 of the *Act*.

The landlord did not attend the hearing, although I left the teleconference hearing connection open until 9:40 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 9:30 a.m.

Rule 7.3 of the Rules of Procedure provides as follows:

**7.3 Consequences of not attending the hearing** – If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application with or without leave to reapply.

The tenant's advocate attended the hearing to advise that on the previous day, the tenant withdrew his application to cancel the One Month Notice, with the consent of the landlord who has agreed to rescind the One Month Notice. The parties plan to work out an agreement. The tenant's advocate advised that they had contacted the Residential Tenancy Branch on the previous day to convey this information.

Rule 5.0.1 of the Residential Tenancy Branch Rules of Procedures provides as follows:

#### **5.0.1 Withdrawal of an Application for Dispute Resolution**

How to withdraw an application for dispute resolution

An applicant may withdraw an application for dispute resolution by notifying the Residential Tenancy Branch and providing a legible copy of any required documents, in one of the following ways:

- any time before the hearing, withdrawing the application through the Online Application for Dispute Resolution and either emailing any required documents to [HSRTO@gov.bc.ca](mailto:HSRTO@gov.bc.ca) including the file number in the subject line ("Withdrawal documents: file #") or providing hard copies of any required documents to any Service BC Office or the Residential Tenancy Branch Office....

In addition, 5.0.1 further provides that if the hearing is scheduled for less than one week away, the request may not be processed before the scheduled hearing, and directs applicants to contact the Residential Tenancy Branch by phone or visit any Service BC Office or the Residential Tenancy Branch Office in person.

Based on the undisputed testimony of the tenant's advocate, I accept that the tenant's advocate contacted the Residential Tenancy Branch by phone to assist the tenant in withdrawing his application, as the hearing was scheduled for less than one week away when the applicant withdrew the application. I find that the application in this matter has been withdrawn. I make no findings on the merits of the matter. The issuance of this decision does not extend any applicable time limits under the *Act*.

Issue(s) to be Decided

Should the landlord's One Month Notice to End Tenancy for Cause be cancelled?  
Should the tenant be granted more time to apply to cancel the One Month Notice?

Conclusion

As noted above, I find that this Application for Dispute Resolution has been withdrawn by the applicant.

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: May 11, 2018

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Residential Tenancy Branch