



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 353806 B.C. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on February 28, 2018 (the "Application"). The Tenant applied to dispute a One Month Notice to End Tenancy for Cause dated February 22, 2018 (the "Notice").

S.S. appeared as advocate for the Tenant at the hearing. Nobody appeared at the hearing for the Landlord. S.S. advised that the Landlord and Tenant had signed a mutual agreement to end the tenancy on April 9, 2018. S.S. said the tenancy ended April 30, 2018 pursuant to the mutual agreement. S.S. said the Tenant had vacated the rental unit. S.S. said a copy of the mutual agreement was submitted to the Residential Tenancy Branch (the "Branch"). S.S. said the Branch required written consent from the Landlord to cancel the hearing. S.S. said she was not able to obtain written consent from the Landlord and the Branch would not accept an email from the Landlord. S.S. said the Tenant wants to cancel the Application.

Eleven minutes into the hearing the Landlord had not appeared. I did not obtain details from S.S. regarding service of the hearing package and evidence on the Landlord in the circumstances. I note the Landlord submitted evidence for this hearing in March and so would have been aware of the hearing.

I accept the undisputed statements of S.S. that the Landlord and Tenant signed a mutual agreement to end tenancy and that the tenancy ended April 30, 2018. In these circumstances, the Application has become moot as the Tenant is no longer seeking to remain in the rental unit and the Landlord no longer needs to enforce the Notice. Given this, I allow the Tenant to withdraw the Application.

Conclusion

The Application is withdrawn further to the request of S.S., advocate for the Tenant.

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 15, 2018

Residential Tenancy Branch