



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

On May 23, 2018, another arbitrator appointed pursuant to the *Act* issued an Interim Decision after legal counsel for both parties requested an adjournment of this matter. They requested this adjournment as they were hopeful that a resolution to this dispute could be achieved.

As the previous arbitrator was not seized of this matter, I was delegated responsibility for presiding over the reconvened hearing.

At the reconvened hearing, legal counsel for the landlord advised that the parties had been able to resolve this dispute. Legal counsel for the landlord said that arrangements had been made whereby the landlord was withdrawing the existing 1 Month Notice. As a result, the legal counsel for the tenant had advised that the tenant was no longer interested in pursuing the application for dispute resolution. Legal counsel for the landlord said the legal counsel for the tenant had advised that no one representing the tenant would be calling into the teleconference of the reconvened hearing.

After waiting until 11:12 a.m., twelve minutes after the scheduled start time for the reconvened hearing, I advised the landlord that I considered the tenant's application dismissed without leave to reapply.

Conclusion

The tenant's application is dismissed without leave to reapply. In order to give legal effect to the settlement reached between the parties as described by the landlord's counsel at this hearing, the landlord's existing 1 Month Notice is withdrawn and of no continuing effect.

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: July 05, 2018

Residential Tenancy Branch