Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNC

Introduction

This decision is in respect of the tenant's application for dispute resolution made on September 5, 2018, under the *Residential Tenancy Act* (the "Act"). The tenant sought an order canceling a One Month Notice to End Tenancy for Cause, pursuant to section 47(4) of the Act.

A dispute resolution hearing was convened at 11:00 a.m. on October 23, 2018, and two representatives of the landlord, and the tenant's legal advocate, attended hearing.

Preliminary Matter: Tenant's Withdrawal of Application

In reviewing the file, I noted that the landlord had submitted documentation to the effect that the parties had executed a Mutual Agreement to End a Tenancy on October 10, 2018, with an end of tenancy date of January 31, 2019. Correspondence, dated October 10, 2018 from the landlord's agent stated that "As such the matter is now considered resolved and no further evidence will be submitted for the upcoming hearing."

I confirmed this update with the parties and they confirmed as such. The tenant's legal advocate requested to withdraw her client's application, and the landlord's agents consented to this withdrawal.

Analysis

Rule 5.0.1 of the *Rules of Procedure,* under the Act, permits a tenant to withdraw his or her application to dispute a landlord's notice to end tenancy with the written consent of the landlord. Based on the correspondence from the landlord, the Mutual Agreement to End a Tenancy, and the parties' verbal confirmation of the withdrawal, I find that I have

the authority under the *Rules of Procedure* and the Act to grant the tenant's request to withdraw his application for dispute resolution.

Conclusion

I hereby grant the tenant's request to withdraw his application for dispute resolution.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: October 23, 2018

Residential Tenancy Branch