



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) to cancel a One Month Notice to End Tenancy for Cause (the “One Month Notice”).

An agent for the Landlord (the “Landlord”) called into the teleconference hearing, while no one called into the hearing for the Tenant. Prior to the hearing, the Landlord submitted three pages of documentary evidence. The Tenant did not submit any documentary evidence.

Issues to be Decided

Should the One Month Notice to End Tenancy for Cause be cancelled?

If the One Month Notice to End Tenancy for Cause is upheld, is the Landlord entitled to an Order of Possession?

Background and Evidence

At the outset of the hearing, the Landlord stated that the Tenant had agreed to move out of the rental unit and as such, they reached a mutual agreement to end the tenancy. The Landlord stated that they provided permission to the Tenant to cancel the Dispute Resolution hearing regarding the One Month Notice. The Landlord attended the hearing as they had not received confirmation that it had been cancelled.

The Landlord submitted into evidence an email from the Tenant dated November 16, 2018, in which the Tenant states he will move out within 60 days. The Landlord also submitted a letter dated November 19, 2018 which was signed by both parties and

states that the move out date will be January 31, 2018. In the letter the Landlord asks for confirmation that the Tenant cancelled the hearing.

A form dated December 3, 2018 is signed by the Tenant stating his move out date as January 31, 2018. The One Month Notice was not submitted into evidence by either party.

The Landlord stated that they have accepted the mutual agreement to end the tenancy and agreed that the Tenant could cancel his application to dispute the One Month Notice. She stated that she is not looking for an Order of Possession based on the One Month Notice as the matter has been resolved between the parties and an agreement to end the tenancy has been reached.

Analysis

As stated in rule 5.0.1 of the *Residential Tenancy Branch Rules of Procedure*, when a tenant has applied to cancel a notice to end tenancy, the landlord must provide permission for the tenant to withdraw their application. I accept the testimony and evidence of the Landlord that the parties came to an agreement to end the tenancy. I also accept that the Landlord provided permission for the Tenant to cancel the hearing.

Accordingly, I find that this application has been withdrawn with the consent of the Landlord.

Conclusion

This Application for Dispute Resolution has been withdrawn. 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: December 13, 2018

Residential Tenancy Branch