



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. At the hearing, LS gave undisputed sworn testimony that they are a co-landlord and also assisted the tenant in completing the tenant's application for dispute resolution, which positioned LS as being both a landlord and an assistant to the tenant for the purposes of this hearing.

As the tenant confirmed that he was handed the 10 Day Notice on December 6, 2018, I find that the tenant was duly served with this Notice in accordance with section 88 of the *Act*. As the landlord confirmed that the tenant handed him a copy of the tenant's dispute resolution hearing package on December 13, 2018, I find that the landlord was duly served with this package in accordance with section 89 of the *Act*.

At the commencement of this hearing, the tenant testified that they are no longer residing in the rental unit. The landlord gave undisputed sworn testimony that by at least December 20, 2018, they had obtained possession of the rental unit, although the tenant has not yet removed all of the tenant's belongings from the rental premises.

On this basis, the tenant withdrew the application to cancel the 10 Day Notice. At the hearing, the tenant also committed to remove the remaining belongings from the rental property.

Conclusion

This application is withdrawn. I order the tenant to remove their remaining belongings from the rental unit as soon as possible. To give legal effect to the tenant's commitment to do so, I order that anything of the tenant's remaining in the rental property by February 1, 2019, may be disposed of by the landlord as the landlord sees fit.

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: January 04, 2019

Residential Tenancy Branch