



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, ERP, FFT

### Introduction

On December 19, 2018, the Tenant filed an Application for Dispute Resolution under the *Residential Tenancy Act* (“the *Act*”) to cancel a 10-Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) issued December 10, 2018, for an order for the Landlord to make emergency repairs to the rental unit, and to recover the filing fee for their application. The matter was set for a conference call.

The Landlord and one of the Tenants attended the hearing and were each affirmed to be truthful in their testimony. The Landlord and Tenant were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing. The parties testified that they exchanged the documentary evidence that I have before me.

In a case where a tenant has applied to cancel a Notice, Rule 7.18 of the Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the Notice.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

### Issues to be Decided

- Should the Notice issued on December 10, 2018, be cancelled?
- If not, is the Landlord entitled to an order of possession?
- Should the Landlord be ordered to make emergency repairs to the rental unit?
- Are the Tenants entitled to the recovery of their filing fee for their application?

### Background and Evidence

The parties agreed that the tenancy began on February 15, 2017, and rent in the amount of \$850.00 is to be paid by the first day of each month. The Tenant testified that she had paid a security deposit of 425.00 at the outset of the tenancy.

The Tenant testified that she is moving out of the rental unit as of the date of this hearing and that she no longer wants to cancel the Notice. The Tenant confirmed that she is withdrawing her application.

The Landlord confirmed that she and the Tenant had reached an agreement and that the Tenant was moving out of the rental unit as of the date of this hearing. The Landlord agreed to the Tenant's request to withdraw the application.

### Analysis

I find that this Application for Dispute Resolution has been withdrawn.

### Conclusion

The 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: January 31, 2019

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Residential Tenancy Branch