



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PODOLLAN'S CONSTRUCTION and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, ERP

Introduction

On January 4, 2019, the Tenant applied for a Dispute Resolution proceeding seeking to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") pursuant to Section 46 of the *Residential Tenancy Act* (the "Act") and seeking an emergency repair Order pursuant to Section 62 of the *Act*.

The Tenant attended the hearing and R.M. attended the hearing as an agent for the Landlord. Both parties provided a solemn affirmation.

The Tenant advised that he served the Landlord with the Notice of Hearing package and evidence by hand and R.M. confirmed that he received this package. Based on this undisputed testimony, in accordance with Sections 89 and 90 of the *Act*, I am satisfied that the Landlord was served with the Notice of Hearing package.

The Landlord advised that he did not submit any evidence to this file for consideration.

All parties were given an opportunity to be heard, to present sworn testimony, and to make submissions. I have reviewed all oral and written submissions before me; however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

I note that Section 55 of the *Act* requires that when a Tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a Landlord, I must consider if the Landlord is entitled to an order of possession if the Application is dismissed and the Landlord has issued a notice to end tenancy that complies with the *Act*.

Preliminary and Procedural Matters

The Landlord advised that he would like to withdraw the Notice. As such, the Notice of January 2, 2019 is cancelled and of no force and effect. As a result, the Tenant advised that he would like to withdraw the Application in full and this request to withdraw the Application in full was granted.

Conclusion

I hereby order that the 10 Day Notice to End Tenancy for Unpaid Rent of January 2, 2019 is cancelled and of no force or effect. In addition, the Tenant has withdrawn his Application in full.

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: February 15, 2019

Residential Tenancy Branch