



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Zam Enterprises
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC OLC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held, by teleconference, on April 15, 2019. The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "*Act*"):

- to cancel a 1-Month Notice to End Tenancy for Cause (the Notice).
- an order requiring the Landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

Both parties attended the hearing and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me. The Landlord confirmed receipt of the Tenant's documentary evidence.

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.

Preliminary and Procedural Matters

The Tenant applied for multiple remedies under the *Act*, a number of which were not sufficiently related to one another.

Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After looking at the list of issues before me at the start of the hearing, I determined that the most pressing and related issues deal with whether or not the tenancy is ending. As a result, I exercised my discretion to dismiss all grounds on the application, with leave to reapply, with the exception of the following claim:

- to cancel the 1 Month Notice to End Tenancy for Cause.

Further, the Landlord issued the Tenant a “24 hour Notice to Vacate” because she feels the Tenant was disruptive, and after issuing this Notice, she became aware that the Notice she issued was not a valid Notice under the Act. During the hearing, the Landlord withdrew this Notice, as she was aware it was not valid and enforceable, and the Tenant consented to this, and withdrew his application to cancel the Notice.

Given this, I accept the withdrawal of the Notice, and the application to cancel the Notice before me is dismissed, without leave.

Conclusion

The Notice issued February 18, 2019, is withdrawn and is of no force or effect. I dismiss the Tenant’s application without leave to reapply.

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: April 16, 2019

Residential Tenancy Branch