



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, LRE, FFT

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 46;
2. An Order restricting the Landlord’s entry - Section 70; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord did not attend the hearing. I accept the Tenant’s evidence that the Landlord was served with the application for dispute resolution, notice of hearing and evidence (the “Materials”) by registered mail on March 11, 2020 in accordance with Section 89 of the Act. Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if given or served by mail, on the 5th day after it is mailed. Given the evidence of registered mail I find that the Landlord is deemed to have received the Materials on March 16, 2020. The Tenant was given full opportunity to be heard, to present evidence and to make submissions.

The Tenant states that the rent was paid and that the Parties entered into a mutual agreement to end the tenancy. The Tenant states that it moved out of the unit on April 2, 2020. As the Landlord did not attend the hearing, I find, based on undisputed evidence, that the tenancy has ended. As the tenancy has ended, the claim to cancel the notice to end tenancy and the claim in relation to the Landlord’s entry is irrelevant and I dismiss the Tenant’s application. This matter is concluded.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: May 05, 2020

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Residential Tenancy Branch