



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, CNC, PSF, FFT, MNDCT

Introduction

In this dispute, the tenant had sought an order cancelling a One Month Notice to End Tenancy for Cause (the “Notice”) under section 47 of the *Residential Tenancy Act* (the “Act”). They also sought orders under section 62 of the Act, compensation under section 67 of the Act, and, recovery of the filing fee under section 72 of the Act.

The tenant applied for dispute resolution on February 25, 2020 and a dispute resolution hearing was held, by way of telephone conference, on May 1, 2020. The tenant, her witness, the landlord’s agent, and a witness for the landlord attended the hearing.

Preliminary Issue 1: Landlord’s Rescinding of the Notice

The landlord’s agent stated that they had retracted the Notice. As such, the Notice is no longer in effect and the issue of disputing it is now moot.

Preliminary Issue 2: Tenant Unprepared to Proceed

The tenant was rather ill this morning, and unable to proceed with the hearing on the remaining issues in dispute. In addition, she had not fully prepared and submitted evidence. While she had sought an order against the landlord, I explained that unless I heard both her and the landlord’s testimony, and considered any documentary evidence, I would not be able to contemplate issuing any orders. She indicated her understanding and confirmed that she was unable to proceed, remarking, “I can’t speak to those things.”

Conclusion

The tenant's application is dismissed, with 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 Act.

Dated: May 1, 2020

Residential Tenancy Branch