



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Shalom Branch 178 Building Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

This hearing dealt with an Application for Dispute Resolution (the Application) that was filed by the Tenant under the Residential Tenancy Act (the Act), seeking cancellation of a One Month Notice to End Tenancy for Cause (the One Month Notice).

I note that section 55 of the Act requires that when a tenant submits an Application 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 is compliant with section 52 of the Act.

The hearing was convened by telephone conference call and was attended by the Tenant and their advocate (the Advocate), both of whom provided affirmed testimony. No one appeared on behalf of the Landlord.

The Residential Tenancy Branch Rules of Procedure (the Rules of Procedure) state that the respondent must be served with a copy of the Application and Notice of Hearing. As no one attended the hearing on behalf of the Landlord, I confirmed service of these documents as explained below.

The Advocate testified that the Application and the Notice of Hearing were sent to the Landlord by registered mail on July 30, 2020, and provided me with the registered mail tracking number, which is listed on the cover page for this decision. Canada Post shows that the registered mail was sent as described above and received on August 5, 2020. As a result of the above and in the absence of any evidence to the contrary, I find that the Landlord was served with the Application and the Notice of Hearing on August 5, 2020.

At the outset of the hearing the Tenant stated that they wished to withdraw the Application as they vacated the rental unit on September 1, 2020. The Tenant and the Advocate also stated that the Landlord's agents had informed them that they would not

be attending the hearing as the matter of possession of the rental unit was now resolved. As I was satisfied that the Landlord was served with a copy of the Application and the Notice of Hearing in accordance with the Act and the Rules of Procedure, and no one attended the hearing on behalf of the Landlord within 10 minutes of the start of the hearing, I accepted the Tenant's request for withdrawal and the Application was withdrawn accordingly. The Tenant remains at liberty to reapply, should they wish to do so; however, this is not an extension of any statutory timeline.

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: September 3, 2020

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Residential Tenancy Branch