



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, AAT, FFT, OPC, MNDL-S, FFL

Introduction

On September 28, 2020, the Tenant applied for a Dispute Resolution proceeding seeking to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to Section 47 of the *Residential Tenancy Act* (the “Act”), seeking access to the rental unit pursuant to Section 30 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

The Tenant attended the hearing with D.R. attending as his counsel. V.R. attended the hearing as counsel for the Landlord.

The parties advised that a settlement had been reached. As such, the Tenant wished to withdraw his Application in full, and the Landlord wished to have the Notice of September 28, 2020 cancelled.

Furthermore, V.R. advised that the Landlord had made a separate Application based on a second One Month Notice to End Tenancy for Cause, dated November 11, 2020. This Application was set down to be heard on February 9, 2021 at 9:30 AM. He stated that based on the settlement that the parties reached, the Landlord wished to withdraw her Application in full and to cancel the notice of November 11, 2020.

Preliminary and Procedural Matters

I find that the Tenant’s request to withdraw the Application in full does not prejudice the Landlord, who wanted the Notice cancelled at the hearing. Therefore, the Tenant’s request to withdraw the Application in full was granted. The Notice of September 28, 2020 is cancelled and of no force or effect.

As the parties had reached a settlement regarding the two notices to end tenancy, the two Applications were joined as a cross-application. Given that the Landlord's request to withdraw her Application in full does not prejudice the Tenant, her request to withdraw the Application in full was granted. Moreover, the notice of November 11, 2020 is cancelled and of no force or effect.

Conclusion

The Landlord's One Month Notices to End Tenancy for Cause of September 28, 2020 and November 11, 2020 are cancelled and of no force or effect.

The Tenant has withdrawn his Application in full.

The Landlord has withdrawn her Application in full.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: December 3, 2020

Residential Tenancy Branch