



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

The tenant applies to cancel a one month Notice to End Tenancy for cause received October 15, 2020.

The applicant tenant did not attend for the hearing within 10 minutes after its scheduled start time at 9:30 a.m. on January 5, 2021. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the respondent landlord and this arbitrator were the only ones who had called into this teleconference during that period.

As a result, the tenant's application is dismissed.

As the landlord attended and was ready to proceed, the application is dismissed without leave to re-apply.

The landlord reports that she was not served with the application and learned of this hearing only by contacting the Residential Tenancy Branch. She reports that since she gave the tenant the one month Notice, they have mutually agreed to end this tenancy on January 31, 2021, an unsigned copy of which she has filed as evidence.

In these circumstances the one month Notice is no longer in effect and so no order of possession can be issued pursuant to s. 55 of the *Residential Tenancy Act*.

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: January 05, 2021

Residential Tenancy Branch