



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE

Introduction

The tenant filed an Application for Dispute Resolution (the “Application”) on November 5, 2020 seeking an order to cancel the One Month Notice to End Tenancy (the “One Month Notice”) for cause. The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”) on January 26, 2021.

Issue(s) to be Decided

Is the tenant entitled to an order to cancel the One Month Notice?

Is the tenant entitled to an order that restricts the landlord’s right to enter the rental unit?

Background and Evidence

An advocate attended the hearing with the tenant. At the outset, they informed me that the landlord – who is the property manager – advised that the tenancy would not end and withdrew the One-Month Notice. The management of the rental unit changed since the previous landlord issued the One-Month Notice to the tenant on October 28, 2020.

The tenant’s advocate spoke to the new landlord very recently and advised the new landlord could not attend the hearing due to illness. They were prepared to call the landlord immediately in the scheduled hearing to confirm that the tenancy was ending. The landlord did not attend the hearing to address the issue of the One-Month Notice validity; nor did they present documentary evidence to show this.

The information before me is that the prior landlord who issued the One-Month Notice is not the landlord anymore. A copy of a new drafted tenancy agreement in the evidence provided by the tenant shows the new property manager signing on November 17, 2020. Even though the tenant's advocate explained that this tenancy agreement is not valid or current, I accept this as evidence there is a new landlord in place going forward.

Given this information, the tenant's claim for an order restricting the landlord's right to enter the rental unit is dismissed without leave to reapply. The ground for hearing is not applicable to the situation anymore.

With the information conveyed to me by the tenant's advocate, with the tenant present, I find the issue of ending the tenancy is resolved by mutual consent.

Conclusion

For the reasons above, I order that the One Month Notice issued on October 28, 2020 is cancelled and the tenancy remains in full force and effect.

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: January 26, 2021

Residential Tenancy Branch