



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capreit Limited Partnership
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **CNC, FFT**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order to cancel a One Month Notice To End Tenancy for Cause pursuant to sections 47 and 55; and
- Authorization to recover the filing fee for this application from the opposing party pursuant to section 72.

The tenant attended the hearing with her agent/counsel, GT. The landlord was represented at the hearing by an operations manager, SM ("landlord"). The landlord acknowledged being served with the tenant's Application for Dispute Resolution and stated he had no issues with timely service of documents.

Preliminary Issue

At the commencement of the hearing, the landlord advised that he had just taken over the management of this case and recently reviewed the circumstances leading to the issuance of the notice to end tenancy. The landlord stated he did not wish to proceed with ending the tenancy and would withdraw the One Month Notice to End Tenancy for Cause served upon the tenant.

The tenant's agent/counsel advised that she did not oppose the landlord's choice to withdraw the notice to end tenancy. As such, I cancel the landlord's notice and order that it is of no further force or effect.

As the tenant's application was successful, the tenant is also entitled to recovery of the \$100.00 filing fee for the cost of this application. Pursuant to the offsetting provisions of section 72, the tenant is entitled to deduct \$100.00 for a single rent payment due to the landlord.

Conclusion

The notice to end tenancy is cancelled and of no further force or effect. The tenancy shall continue until it is ended in accordance with the 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: October 12, 2021

Residential Tenancy Branch