



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MNDCT, OLC, PSF, LRE, FFT

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 46;
2. A Monetary Order for compensation - Section 67;
3. An Order for the Landlord’s compliance - Section 62;
4. An Order for the provision of facilities or services - Section 70; and
5. An Order for the recovery of the filing fee - Section 72.

The proceedings were scheduled for a conference call hearing at 9:30 a.m. on this date. The Arbitrator called in to the hearing at the scheduled time. The line remained open while the phone system was monitored for ten minutes. The only Party who called into the hearing during this time was the Landlord who was ready to proceed. It was confirmed that the correct call-in numbers and participant codes were provided in the notice of hearing to the Tenant.

The Landlord states that the Tenant paid the rent set out as owing on the 10-day notice to end tenancy (the “Notice”) and that the Notice is no longer effective. The Landlord states that the Parties reached a mutual settlement agreement on the Tenant’s claims and that the Tenant has agreed to move out of the unit on this date. The Landlord states that they are not seeking an order of possession and that the Tenant has been observed moving boxes from the unit.

As the Tenant did not attend the hearing to pursue its application, I dismiss the Tenant's application without leave to reapply. As the Notice is not valid, an order of possession may not be granted based on the Notice. Should the Tenant fail to abide by the terms of the mutual agreement and move out of the unit the Landlord is at liberty to make an application seeking an order of possession based on the mutual agreement.

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: November 15, 2021

Residential Tenancy Branch