



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF

### Introduction, Preliminary and Procedural Matters-

This hearing was convened as the result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act). The tenant applied for:

- an order cancelling the One Month Notice to End Tenancy for Cause (Notice) issued by the landlord; and
- to recover the cost of the filing fee.

The Notice here was dated September 21, 2021, and listed an effective end of tenancy date of October 31, 2021.

The tenant and the landlord's agents attended the hearing.

The parties were given the hearing instructions and the opportunity to ask questions prior to the start. All parties confirmed they were not recording the hearing.

Thereafter the parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

After or near the conclusion of the testimony, the landlord's agent elected to withdraw the Notice.

The tenant confirmed that he did not object to the Notice being withdrawn.

Due to the above, I find by mutual agreement of the parties, the Notice dated September 21, 2021, with an effective vacate date of October 31, 2021, is withdrawn.

As a result, I find it was no longer necessary to consider the tenant's application, as the matter is moot. As I have not considered the merits of the tenant's application, I decline to award recovery of the filing fee.

During the hearing, the tenant said that he understood that he was not allowed to smoke in the common areas of the residential property. The common areas include hallways, doorways and within 6 metres of any access points, air intakes and open windows to the residential property.

The tenant further confirmed his understanding that if he smoked in the common areas going forward, the landlord is permitted to serve the tenant another One Month Notice.

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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: January 13, 2022

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Residential Tenancy Branch