



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) and to recover the cost of the filing fee.

This matter was set for hearing by telephone conference call at 11:00 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the Applicant did not attend the hearing by 11:10 A.M, I dismiss the tenant’s application without leave to reapply.

In this case, the tenant had sent in a letter and a copy of a mutual agreement to end the tenancy, as evidence to cancel the hearing; however, once a hearing is scheduled unless that letter is signed by all parties, which it is not, the hearing cannot be cancelled as it is related to a notice to end tenancy as the landlord is entitled to orders pursuant to section 55 of the Act.

At the hearing the landlord confirmed that they have agreed to mutual end the tenancy effective May 31, 2022.

Based on the above, I find I do not need to consider the merits of the tenant’s application to cancel the Notice as the parties have entered into a mutual agreement to end the tenancy for May 31, 2022. Therefore, to give force and effect to the mutual agreement I find it appropriate to grant the landlord and order of possession at 5:00 PM on May 31, 2022, as this was the date and time in the mutual agreement signed by all parties.

Conclusion

The tenant's application is dismissed without leave. The tenant is not entitled to recover the cost of the filing fee. The landlord is granted an order of possession on the date and time listed in the mutual agreement to end the tenancy.

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: May 03, 2022

Residential Tenancy Branch