



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FFT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenant applied to cancel a 1 Month Notice to End Tenancy for Cause dated May 15, 2022 ("1 Month Notice") and to recover the cost of the filing fee.

The tenant, counsel for the tenant, VB ("counsel") and an agent for the landlord, HL ("agent") attended the teleconference hearing. All parties, except counsel were affirmed. Counsel was not affirmed as counsel has been called to the BC Bar and as such, have already sworn an oath.

An opportunity to ask questions was provided to both parties. Neither party raised any service issues concerns. Words utilizing the singular shall also include the plural and vice versa where the context requires.

The parties confirmed their respective email addresses at the outset of the hearing and were advised that this Decision would be emailed to them.

Preliminary and Procedural Matters

In the Details of Dispute, the tenant refers to a previous decision, the file number of which has been included on the cover page of this Decision (Previous Decision). In the Previous Decision dated May 30, 2022 and confirmed by way of a Review Consideration dated June 2, 2022, an order of possession was granted to the landlord. Counsel submits that a Judicial Review hearing has been scheduled for November 14, 2022. In addition, counsel submits that a judicial stay of the order of possession was granted on June 10, 2022, pending the results of the above-noted Judicial Review.

At the outset of the hearing, the landlord requested to withdraw the 1 Month Notice as an order of possession has already been granted in the Previous Decision.

Counsel consented to the withdrawal of the 1 Month Notice. Counsel submits that the 1 Month Notice was received on May 18, 2022.

Analysis

As counsel consented to the withdrawal of the 1 Month Notice dated May 15, 2022, I find this application is now moot. In addition, I find the 1 Month Notice is of no force or effect as it has been withdrawn at this hearing.

I do not grant the filing fee as a result.

Pursuant to section 62(3) of the Act I make the following order:

I ORDER that this Decision not be posted on any private website or on any social media platform.

Any violation of my order may result in an administrative penalty being imposed under the Act, which carries a maximum penalty of up to \$5,000 per day.

Conclusion

The 1 Month Notice has been withdrawn in full by consent.

The 1 Month Notice dated May 15, 2022 is of no force or effect.

The filing fee is not granted.

This decision will be emailed to the parties as indicated above.

I have made one order listed above.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: September 29, 2022

Residential Tenancy Branch