



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNC, OLC, FFT**

Introduction

This hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the “Act”) for:

- An order to cancel a 1 Month Notice to End Tenancy for Cause, pursuant to sections 47 and 55;
- An order for the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62; and
- Authorization to recover the filing fee from the other party pursuant to section 72.

The tenant attended the hearing and the landlord attended accompanied by an articulated student, DF. The landlord acknowledged service of the tenant’s Notice of Dispute Resolution Proceedings package and the tenant acknowledged service of the landlord’s evidence.

Preliminary Issues 01

Residential Tenancy Branch Rule of Procedure 2.3 states that claims made in an Application for Dispute Resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply. Rule of Procedure 6.2 allows an arbitrator to decline to hear or dismiss unrelated issues. At the commencement of the hearing, I determined that the issue of whether to uphold or cancel the landlord’s notice to end tenancy was the primary issue before me and that the other issue listed on the tenant’s application was not related and would be dismissed with leave to reapply.

Preliminary Issue 02

The landlord’s articulated student advised me that the parties had discussed the issues prior to the hearing and agreed that the landlord would withdraw her notice to end tenancy. I confirmed with the tenant that she agreed with this, and the tenant advised me that she did.

As both parties have to consented to the withdrawal of the landlord's notice to end tenancy issued on January 11, 2023, I order that the notice to end tenancy is cancelled and of no further force or effect. This tenancy shall continue until it is ended in accordance with the Act.

I made no finding as to whether the notice to end tenancy was valid and as such, I exercise my discretion to order that the filing fee be **split** between the parties. In accordance with the offsetting provision of section 72, the tenant may reduce a single payment of rent owing to the landlord by \$50.00.

Conclusion

The notice to end tenancy is cancelled and of no further force or effect. This 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: May 08, 2023

Residential Tenancy Branch