

DECISION

Introduction

This hearing dealt with the Tenant's Applications for Dispute Resolution (Applications) made under the *Residential Tenancy Act* (the Act) which were joined to be heard simultaneously. In their Applications, the Tenant seeks the following:

- Cancellation of the Landlord's One Month Notices to End Tenancy for Cause dated October 18, 2023 and December 20, 2023 (the Notices) under section 47 of the Act; and
- Authorization to recover the filing fee for their Applications from the Landlord under section 72 of the Act.

The Tenant and an Agent for the Landlord attended the hearing. The Tenant was also represented at the hearing by counsel.

Preliminary Issue – Withdrawal of the Notices and Filing Fee

At the outset of the hearing the Landlord's Agent indicated to me they wished to withdraw the Notices. The Tenant indicated they consented for the Notices to be withdrawn.

As set out in Policy Guideline 11 - Amendment and Withdrawal of a Notice to End Tenancy, a landlord or tenant can not unilaterally withdraw a Notice to End Tenancy. However, a Notice to End Tenancy may be waived with the express or implied consent of the landlord or tenant.

Given that the Landlord's Agent clearly indicated their wishes for the Notices to be withdrawn and the Tenant agreed to this, I find there is express consent from both parties for the Notices to be withdrawn.

Therefore, I order the One Month Notices to End Tenancy for Cause dated October 18, 2023 and December 20, 2023 cancelled and of no force or effect. The tenancy continues until ended in accordance with the Act.

The Landlord's Agent also confirmed the Landlord agreed to reimburse the Tenant for the filing fees for both Applications. Given this, I authorize the Tenant to withhold \$200.00 from a future rent payment under section 72(2)(a) of the Act.

Conclusion

The Notices are cancelled with the consent of both parties. The tenancy continues until it is ended in accordance with the Act.

The Tenant may withhold \$200.00 from a future rent payment.

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: February 1, 2024

Residential Tenancy Branch