



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC

Introduction

Both parties were present at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral evidence and to make submissions during the hearing.

Issue(s) to be Decided

Is the tenant entitled to more time to dispute a notice to end tenancy issued for cause?

Should the notice to end tenancy for cause be cancelled?

Should the landlord be ordered to comply with the Act, regulations, or tenancy agreement?

Preliminary Matter(s)

At the start of the hearing the tenant's advocate testified that she has not talked with the tenant since her August 21, 2009 return from holiday. The landlord testified that on August 25, 2009 the tenant provided the landlord with written notice that he would vacate the rental unit on September 1, 2009.

It was agreed by the parties that they could not be sure if the tenant would vacate the rental unit or require a hearing in relation to the application. Discussion took place regarding the tenant's possible need to be heard, should he fail to vacate the rental unit.

Neither party objected to providing the tenant with the opportunity to be heard at a future hearing should the tenant wish to pursue another Application for Dispute Resolution on the same matters. Therefore, I find that the tenant's application be dismissed with leave to reapply.

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Conclusion

The tenant's application is dismissed with leave to reapply.

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: August 31, 2009.

Dispute Resolution Officer