



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction and Analysis

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling a 1 Month Notice to End Tenancy for Cause (the "Notice").

Both parties appeared at the hearing. After brief comments from both parties, the landlord said they wanted to withdraw the Notice and continue the tenancy. The tenant agreed he would like to continue the tenancy.

The Notice which is the subject of this dispute was dated July 31, 2012 and listed an effective end of the tenancy of August 31, 2012. However the Notice was served upon the tenant by posting it on the door. Section 90 of the Act states that documents served in this manner are deemed delivered three days later. Section 53 of the Act allows the effective date of a Notice to be changed to the earliest date upon which the Notice complies with the Act; therefore, I find that the Notice effective date is changed to September 30, 2012.

As to the landlord's request to withdraw or cancel the Notice, Residential Tenancy Branch Policy Guideline 11 states that a Notice to End Tenancy can be waived (i.e. withdrawn or abandoned), and a new or continuing tenancy created, only by the express or implied consent of both parties.

In this case both parties agreed that they wanted to continue the tenancy and that the Notice could be withdrawn.

### Conclusion

At both parties express consent, I therefore allowed the landlord's request to withdraw the 1 Month Notice to End Tenancy for Cause, dated July 31, 2012.

I therefore find the Notice has been withdrawn and is of no force or effect. This tenancy shall continue until it may otherwise end under 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: September 14, 2012.

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Residential Tenancy Branch