



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding D'ESTERRE SENIOR CITIZENS
SOCIETY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC MT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (One Month Notice) pursuant to section 47 of the *Act*; and
- more time to cancel a notice pursuant to section 66 of the *Act*.

Both parties attended the hearing. The tenant attended with her agent A.T. who spoke on her behalf. Landlord's agent A.J. attended and spoke on behalf of the housing society landlord.

At the outset of the hearing, the parties confirmed that they had come to a resolution of their dispute prior to the hearing. The landlord confirmed that she had agreed to cancel the One Month Notice issued to the tenant, dated January 16, 2019. Therefore, the tenant had agreed to withdraw her application to dispute the One Month Notice.

Rule 5 of the Residential Tenancy Branch Rules of Procedures sets out that a tenant requires the consent of the landlord to withdraw their application to dispute a notice to end tenancy.

Accordingly, I find that the landlord has consented to the tenant's withdrawal of the application for dispute resolution as a result of the landlord cancelling the One Month Notice.

I find that the landlord's One Month Notice dated January 16, 2019 is of no force or effect, and I accept the tenant's request to withdraw her application for dispute resolution.

No determinations were made concerning the merit of the One Month Notice.

Issue(s) to be Decided

Should the landlord's One Month Notice be cancelled? And if not, is the landlord entitled to an Order of Possession?

Conclusion

I find that the landlord's One Month Notice dated January 16, 2019 is cancelled and of no force or effect. I accept the tenant's request to withdraw her application for dispute resolution.

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: March 08, 2019

Residential Tenancy Branch