



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Code      CNC RP

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on July 19, 2019 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a One Month Notice to End Tenancy for Cause, dated July 11, 2019 (the "One Month Notice"); and
- an order that the Landlord make repairs to the unit, site, or property.

This matter was set for hearing by telephone conference call at 9:30 A.M. on September 19, 2019. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Landlord's agent, K.S., who provided a solemn affirmation. Therefore, as the Tenants did not attend the hearing by 9:40 A.M., and K.S. appeared and was ready to proceed, I dismiss the claim without leave to reapply.

When a tenant's application to cancel a notice to end tenancy is dismissed, and the notice complies with section 52 of the *Act*, section 55 of the *Act* requires that I issue an order of possession in favour of the Landlord. Having reviewed the One Month Notice submitted into evidence, I find it complies with section 52 of the *Act*. Accordingly, I grant the Landlord an order of possession. However, K.S. testified the parties entered into a Mutual Agreement to End a Tenancy, dated August 8, 2019, in which they agreed the tenancy will end at 12:00 p.m. on November 30, 2019. A copy was submitted into evidence. Therefore, I find it is appropriate in the circumstances to find that the order of possession will be effective at 12:00 p.m. on November 30, 2019.

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 19, 2019

---

Residential Tenancy Branch