



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Everbright Properties Inc.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for an order to cancel a One Month Notice To End Tenancy for Cause pursuant to sections 47 and 55.

The tenant attended the hearing with an advocate, AS. The landlord was represented at the hearing by a property manager, RW. As both parties were present, service of documents was confirmed. The landlord acknowledged service of the tenant's Application for Dispute Resolution and stated she had no concerns with timely service of documents. The landlord confirmed she did not supply documentary evidence for this hearing.

### Background and Evidence

At the commencement of the hearing, the landlord testified that she had personally attended the hallways of the tenant's building and noted that the hallway hasn't smelled of cigarette smoke in the past two months. She has been in the tenant's unit as late as a few weeks ago and could not detect the smell of cigarette smoke. In light of her findings, the landlord withdrew the One Month Notice to End Tenancy for Cause served upon the tenant on December 17, 2020. The tenant gave his verbal consent for the landlord to withdraw the notice to end tenancy.

As a result of the landlord's withdrawal of the One Month Notice to End Tenancy for Cause, I order the notice be cancelled and that the tenancy continue until it ends in accordance with the Act.

### Conclusion

The landlord's One Month Notice to End Tenancy for Cause is cancelled.

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 22, 2021

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Residential Tenancy Branch