



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

For the tenant – CNR  
For the landlord – OPB, FF

### Introduction

This decision was scheduled to deal with two applications for dispute resolution, one brought by the tenant and one brought by the landlord. Both files were due to be heard together. The tenant seeks to cancel the 10 Day Notice for unpaid rent. The landlord seeks an Order of Possession because the tenant has breached an agreement with the landlord and to recover their filing fee.

The hearing went ahead as scheduled and the landlord's agent dialed into the conference call but after 10 minutes the tenant had not dialed into the call. Based on this I find that the tenant has failed to present the merits of their application and the tenants' application is dismissed without leave to reapply.

At the outset of the hearing the landlord testifies that the tenant has paid the outstanding rent for October, 2011 and has entered into an agreement with the landlord to move out of the rental unit on December 01, 2011. As this agreement has not yet been breached and the landlord has reinstated the tenancy for November, 2011 the landlord's application is premature. Consequently, the landlord withdraws their application for an Order of Possession at this time.

Therefore no hearing was held today and the landlord is at liberty to reapply for an Order of Possession in the event the tenant does not vacate the rental unit by the agreed upon date.

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: November 03, 2011.

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Residential Tenancy Branch