



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR OPR FF

### **Introduction:**

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55; and
- d) An order to recover the filing fee pursuant to Section 72.

### **SERVICE:**

The tenant did not attend. The landlord provided evidence that the Notice to end Tenancy and the Application for Dispute Resolution were both served personally with a witness. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

### **Issue(s) to be Decided:**

The tenant was issued a Notice to End Tenancy for unpaid rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

### **Background and Evidence:**

The tenant did not attend although served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord said that the tenant had had problems with a job but now he had obtained a permanent position and was paying his overdue rent with a good attitude. Therefore, the landlord decided to withdraw the Notice to End Tenancy.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

**Analysis and Conclusion:**

I find the landlord has withdrawn his Notice to End Tenancy. Therefore the tenancy is reinstated. Since the landlord was put to the expense of filing an Application before the matter was resolved, I find him entitled to recover \$50 for his filing fee; this may be recovered by deducting it from the tenant's security deposit unless the tenant chooses to pay it voluntarily.

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: August 01, 2014

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Residential Tenancy Branch

