



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NEW CHELSEA SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

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

- an Order of Possession for cause, pursuant to section 55; and
- authorization to recover the filing fee for this application from the tenant, pursuant to section 72.

The tenant did not attend this hearing, although it lasted approximately 12 minutes. The landlord's agent, PB ("landlord"), who is the executive director for the landlord company, attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that he served the tenant with his application for dispute resolution hearing package on December 8, 2014, by way of registered mail. A Canada Post receipt and tracking number were provided as proof of service with the landlord's application. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlord's application on December 13, 2014, five days after its registered mailing.

During the hearing, the landlord confirmed that he was withdrawing his entire application. He testified that the tenant had vacated the rental unit on January 2, 2015, so he was no longer seeking an order of possession against her. He also confirmed that he was no longer seeking his filing fee from the tenant. The landlord confirmed that his agent, SV, forwarded an email three days prior, to the Residential Tenancy Branch to cancel the hearing, but I had not received such information, as of the date of the hearing.

Conclusion

The landlord's application for an order of possession for cause and to recover the filing fee from the tenant, is withdrawn.

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: January 07, 2015

Residential Tenancy Branch

