



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for an order of possession for unpaid rent and a monetary order for unpaid rent.

The tenant did not attend this hearing, although I waited until 0909 in order to enable the tenant to connect with this teleconference hearing scheduled for 0900. The landlord attended the hearing.

The landlord testified that he served the tenant with the dispute resolution package on 11 March 2015 by registered mail. The landlord provided me with a Canada Post tracking number that showed the same. The landlord testified that the tenant did not retrieve the mailing from the post office. On the basis of this evidence, I am satisfied that the tenant was deemed served with the dispute resolution package pursuant to sections 89 and 90 of the Act.

Preliminary Issue – Amendment to Withdraw

At the hearing, the landlord testified that the tenant had paid all rent arrears and paid April's rent in full. The landlord did not know on what basis a receipt was issued for this money collected after the effective date of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. I explained to the landlord that he must show that the acceptance of this payment did not constitute a reinstatement of the tenancy. The landlord indicated that he wished to withdraw his application.

As there is no prejudice to the tenant by allowing the landlord to withdraw his application, I allowed it.

Conclusion

The landlord's application is withdrawn.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: April 02, 2015

Residential Tenancy Branch

