



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

Landlord's Application: OPR; MNR

Tenant DZ's Application: MT; CNR; MNDC; MNR; RR; FF; O

### **Introduction**

This Hearing was convened on March 10, 2015, to consider cross applications. The Landlord applied for an Order of Possession and a Monetary Order for unpaid rent.

The Tenant DZ applied for an extension of time to file an Application to cancel a notice to end tenancy; to cancel a Notice to End Tenancy for Unpaid Rent; a Monetary Order for the cost of emergency repairs; compensation for damage or loss under the Act, regulation or tenancy agreement; a rent reduction; "other" orders; and to recover the cost of the filing fee from the Landlord.

At the outset of the Hearing on March 10, 2015, it was determined that the Landlord reinstated the tenancy by accepting rent for the months of February and March, 2015. Therefore, the Landlord's application for an Order of Possession is dismissed and the Tenant DZ's application for an extension of time will not be considered. The Notice to End Tenancy issued February 4, 2015, is canceled and the tenancy will continue until it is ended in accordance with the provisions of the Act.

It was determined that the Landlord served the Tenant with her Notice of Hearing documents by registered mail sent February 20, 2015. It was also determined that the Tenant DZ served the Landlord's agent EW with his Notice of Hearing documents by hand delivering the documents to EW on March 3, 2015.

The Landlord provided documentary evidence to the Tenant, by registered mail on February 20, 2015, but did not provide additional evidence to the Tenant until March 9, 2015, the day before the Hearing. The Landlord stated that she did not receive the Tenant's documentary evidence until March 3, 2015, and that she required time to respond to its contents. Both parties sought to provide further documentary evidence in support of the remaining issues. I adjourned the Hearing to allow exchange of documents.

I ordered that the Tenant provide the Landlord with copies of his documentary evidence and ordered that the Tenant send the evidence by registered mail to the Landlord's address within 3 days. I further ordered that the Landlord provide the Tenant with her rebuttal evidence within 7 days of receipt of the Tenant's documents.

The Residential Tenancy Branch mailed notices of the reconvened Hearing to both parties on March 19, 2015. The Hearing was reconvened on April 30, 2015, at 9:30 a.m. The Landlord and her agent signed into the Hearing; however, the Tenant did not sign into the Hearing, which remained open for 15 minutes.

I confirmed with the Landlord that the Tenant had paid full rent for the month of February, 2015 and that no rent was due pursuant to the Notice to End Tenancy issued February 4, 2015. Therefore, the Landlord's application was dismissed.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

**Commencement of Hearing** The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I find that that the Tenant has abandoned his application, and therefore I dismiss the Tenant's application without leave to re-apply.

### **Conclusion**

The Landlord's application is **dismissed** as the tenancy was reinstated and the unpaid rent was paid in full.

The Tenant's application is dismissed as abandoned **without leave to re-apply**.

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: May 01, 2015

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Residential Tenancy Branch

