



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

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

- an Order of Possession for landlord's use of property, pursuant to section 55.

The tenant did not attend this hearing, which lasted approximately 8 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions, and to call witnesses.

At the outset of the hearing, the landlord testified that the tenant already vacated the rental unit. The landlord confirmed that she wished to withdraw the landlord's application for an order of possession. Accordingly, the landlord's application is withdrawn.

The landlord stated that she wished to amend her application to request a monetary order for unpaid rent. The landlord confirmed that she submitted a letter, dated May 26, 2015, to the Residential Tenancy Branch ("RTB"), which was received on May 28, 2015. The letter indicates that the landlord intends to amend her application to apply for unpaid rent.

The landlord did not attempt to amend the application itself prior to the hearing, despite the fact that she submitted it on April 21, 2015. The landlord also submitted her letter less than 7 days before the hearing, when evidence is due at least 14 days prior to the hearing, as per Rule 3.14 of the *RTB Rules of Procedure*. The tenant did not attend this hearing. During the hearing, I advised the landlord that I was denying her request to amend her application to seek a monetary order for unpaid rent, as I do not find that the tenant had sufficient notice in order to respond to the landlord's amendment request. I advised the landlord that she would be required to make a new application for dispute resolution in the future if she wished to recover a monetary order for unpaid rent.

Conclusion

The landlord's application for an order of possession for landlord's use of property is withdrawn.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: June 04, 2015

Residential Tenancy Branch

