



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ELKAR HOLDINGS  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR (Tenant's Application)  
OPR, MND, MNR, MNSD, FF (Landlord's Application)

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the "Application") made by the Landlord and the Tenant. The Landlord applied for an Order of Possession and a Monetary Order for unpaid rent. The Tenant applied to cancel the notice to end tenancy for unpaid rent.

The Tenant appeared for the ten minute duration of the hearing and provided affirmed testimony as well as a copy of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice"). However, there was no appearance for the Landlord despite the Landlord being provided with this same date and time to hear both Applications.

The Tenant testified that he had personally served the Landlord with a copy of his Application and the Notice of Hearing documents on February 22, 2016. The Tenant testified that they had resolved the dispute as there were no more rental arrears and the Landlord asked him to appear for the hearing to cancel the Applications.

The Tenant confirmed receipt of the Notice dated February 16, 2016 and testified that he had paid all the rent for this tenancy as he had gotten a job. The Tenant testified that there were no more rental arrears in this tenancy.

### Conclusion

As there was no appearance by the Landlord for this hearing to prove the Notice and the monetary claim, I dismiss the Landlord's Application without leave to re-apply.

A Notice cannot be unilaterally withdrawn. Therefore, as the Tenant confirmed that he had paid rent and the dispute had been resolved, I cancel the Notice dated February 16, 2016. The tenancy will continue until it is ended in accordance with the Act.

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: April 11, 2016

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Residential Tenancy Branch