



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER NATIVE HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR OPR

Introduction

This participatory hearing was convened after the issuance of a May 24, 2017 Interim Decision of an Adjudicator. The Adjudicator determined that the landlord's application could not be considered by way of the Residential Tenancy Branch's direct request proceedings, as had been originally requested by the landlord. The Adjudicator reconvened the landlord's application for the following to a participatory hearing:

- an Order of Possession pursuant to section 55 of the *Act* for unpaid rent or utilities; and
- a Monetary Order pursuant to section 67 of the *Act* for unpaid rent.

Property manager, A.P. attended the hearing for the landlord, while the tenant did not. The landlord was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord gave sworn testimony that a 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") was posted on the tenant's door on May 9, 2017. Pursuant to sections 88 and 90 of the *Act*, I find that the tenant was served with this 10 Day Notice on May 12, 2017.

On May 25, 2017, the tenant was sent a Notice of Hearing by way of Canada Post Registered Mail. A copy of the Canada Post tracking number was provided to the hearing. Pursuant to sections 88, 89 and 90 of the *Act*, the tenant is seemed to have been served on May 29, 2017 with the Notice of Hearing.

At the outset of the hearing the landlord stated that the tenant had paid all outstanding rent on May 3, 2017, that no money related to her application for direct request remained outstanding and she was no longer seeking the Monetary Order. She stated

that rent was unpaid for July 2016 and she wished to pursue an Order of Possession based on this unpaid rent. I explained to the landlord that I did not have a valid 10 Day Notice for Unpaid rent before me for the month of July 2017 and therefore could not consider the matter. The landlord's application for an Order of Possession based on unpaid rent is dismissed.

Conclusion

I dismiss the landlord's application for an Order of Possession. This tenancy shall 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: July 12, 2017

Residential Tenancy Branch