



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC

### Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) filed by the Landlord under the *Residential Tenancy Act* (the “Act”), for an Order of Possession.

The hearing was convened by telephone conference call and was attended by the Landlord, who provided affirmed testimony. The Tenant did not attend. The Landlord was provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

At the outset of the hearing the Landlord withdrew their Application for an Order of Possession as they stated that the Tenant moved out of the rental unit on September 30, 2017. I accept the Landlord’s request for withdrawal and their Application for an Order of Possession is withdrawn accordingly. The Landlord remains at liberty to reapply.

An Amendment to an Application for Dispute Resolution (the “Amendment”) was also received by the Residential Tenancy Branch (the “Branch”) on October 27, 2017, requesting that the Application be amended to include a Monetary Order for the non-payment of \$2,450.00 in rent and the retention of the security deposit paid by the Tenant to offset this amount. The Landlord testified that they served this Amendment on the Tenant on September 30, 2017. Although I indicated in the hearing that the Application could be amended and accepted testimony in relation to the non-payment of rent, upon further consideration of the Landlord’s testimony and the documentary evidence before me, I find that the Landlord could not have served the Amendment on the Tenant as stated in their testimony as they did not apply for the Amendment until October 27, 2017. As a result, I am not satisfied that the Tenant was served with the Amendment and I therefore decline to amend the Application to include a Monetary Order for the non-payment of rent and the retention of the security deposit. The Landlord has leave to reapply for these matters.

### Conclusion

As the Landlord withdrew their claim for an Order of Possession and their request to amend their Application was denied, I decline to grant the recovery of the filing fee. At the request of the Landlord, a copy of the decision will be mailed to them at the address they provided on their Application.

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: November 10, 2017

---

Residential Tenancy Branch