



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SINGLA BROS HOLDINGS LTD
and [tenant name suppressed to protect privacy]

REVIEW HEARING DECISION

Dispute Codes: OPR MNR FF

Introduction

Pursuant to the *Residential Tenancy Act* (the Act) this matter was reconvened pursuant to a successful review application by the tenant, of the original ex parte (Direct Request/non-participatory) Decision of the proceeding dated April 18, 2018. The tenant was granted a review hearing based on their submissions demonstrating that the original decision was based on fraud. I have benefit of the Review Consideration Decision, as well as the original ex parte Decision of this matter.

The landlord's original Direct Request application granted the landlord an Order of Possession based on a claim of unpaid rent and a 10 Day Notice to End Tenancy for Unpaid Rent. The landlord's application stated the rent had not been paid within the 5 days required to do so to render the 10 Day Notice ineffective, or the tenant filing to dispute the Notice within the same time.

The landlord's representative and both tenants attended this review hearing and provided testimony.

Issue(s) to be Decided:

Should the original Decision and Order be confirmed, varied or set aside?
Is the landlord entitled to an Order of Possession?

Background and Evidence

The undisputed evidence in this matter is that the tenant received a 10 Day Notice to End Tenancy for Unpaid Rent on April 02, 2018. The tenant testified they paid the outstanding rent for April 2018 within the 5 days prescribed by the Act to do so, on April 06, 2018, for which they provided a hand-written receipt issued by the landlord,

“Sabash” dated April 06, 2018. The landlord’s representative could not confirm nor deny as to when the tenant satisfied the outstanding rent, but that the rent is currently up to date. None the less, the landlord wanted it known that the tenant’s payment of the monthly rent is not always timely.

Following additional discussion of the relevant matters at hand the landlord determined to withdraw their original application of this matter.

Analysis:

As there is no prejudice to the tenant I accept the landlord’s withdrawal of their application, with the effect that the Order of Possession dated April 18, 2018 is cancelled and of no effect, and with the further result that the tenancy continues.

Conclusion:

The original **Decision and Order dated April 18, 2018** are set aside.
The tenancy continues until it ends in accordance with the Act.

This Decision is final and binding.

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 19, 2018

Residential Tenancy Branch