



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PEEK PERFORMANCE ENTERPRIZE LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes** CNR MNRT MNDCT DRI ERP RP FF

### **Introduction**

This matter was convened in response to an application by the tenant to cancel a 10 Day Notice to End tenancy for unpaid rent dated October 09, 2018 with an effective date of October 22, 2018, a monetary order respecting the tenant's costs incurred for emergency repairs, a monetary order for damage and loss, an order for repairs to the unit, for emergency repairs, to dispute an additional rent increase, and recover the filing fee. Both parties attended the hearing. The landlord was represented by their legal counsel. The landlord acknowledged receiving the hearing documents of the tenant.

At the outset of the hearing both parties confirmed that the tenant vacated the rental unit on or about November 07, 2018. The landlord confirmed regaining *defacto* possession of the unit as a result.

### *Preliminary matters*

Further to the above the tenant informed the proceeding they wanted to "dissolve" this application in its entirety and effectively withdraw and cancel the application comprising this matter. The tenant was again canvassed in respect to their instructions seeking dissolution of their matter before me. The tenant and landlord were apprised and each confirmed to me they understood that I would be effectively dismissing the tenant's application without leave to reapply, to all of which the tenant again confirmed they wanted to withdraw and cancel their application in its entirety.

### **Analysis**

As there is no prejudice to the landlord in this matter, the tenant's application **is withdrawn and dismissed**, without leave to reapply.

**Section 55(1)** of the Act states that if I dismiss the tenant's application or uphold the landlord's 10 Day Notice to End I must grant the landlord an Order of Possession if I dismiss the tenant's application or uphold the landlord's Notice. Having dismissed the tenant's application I then find the landlord's Notice to End complies with the form and content requirements prescribed by **Section 52** of the act and is therefore valid. Upon reflection and so as to perfect of the circumstances in this matter I grant the landlord an immediate Order of Possession.

**I grant an Order of Possession** to the landlord effective forthwith upon service of the Order. Should the landlord want to rely on the Order, the tenant must be served with it and the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

### **Conclusion**

The application **is withdrawn** in its entirety and effectively **dismissed**, without leave to reapply.

The landlord is given an Order of Possession pursuant to Section 55(1) of 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: November 20, 2018

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Residential Tenancy Branch