



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BAYSIDE PROPERTY SERVICES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FFL, OPC

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlord on October 18, 2018 (the "Application"). The Landlord sought an Order of Possession based on a One Month Notice to End Tenancy for Cause dated September 12, 2018 (the "Notice"). The Landlord sought reimbursement for the filing fee.

This matter came before me for a hearing on November 23, 2018 at which time it was adjourned at the request of the parties to allow them time to attempt to resolve this matter. An Interim Decision was issued November 26, 2018. This decision should be read in conjunction with the Interim Decision.

The Property Manager appeared at the hearing for the Landlord. G.S. appeared at the hearing for the Tenant.

G.S. advised that the Tenant is still living at the rental unit and provided an update on the situation. She advised that the Tenant wishes to remain at the rental unit. A discussion ensued between the Property Manager and G.S. in relation to the situation of the Tenant.

The Property Manager asked if this matter could be adjourned another two months. I advised that, given the date of the Notice, and the prior adjournment, I did not find a further adjournment appropriate. I told the Property Manager that she could proceed and seek an Order of Possession based on the Notice or advise me that she was not seeking an Order of Possession based on the Notice and I would cancel the Notice. I pointed out to the Property Manager that it is open to the Landlord to serve another notice to end tenancy on the Tenant if the behaviour that lead to the Notice being issued continues.

The Property Manager advised that she did not wish to proceed with the request for an Order of Possession based on the Notice. The Property Manager agreed to the Notice being cancelled. G.S. did not take issue with this.

Given that the Landlord is not seeking an Order of Possession based on the Notice, the Notice is cancelled and the Application for an Order of Possession based on this specific Notice dated September 12, 2018 is dismissed without leave to re-apply. This does not mean that the Landlord cannot issue a new One Month Notice to End Tenancy for Cause and seek an Order of Possession based on it. I note that the parties made no submissions about the grounds for the Notice at either hearing and I did not consider the grounds for the Notice at either hearing. The Notice is being cancelled because the Landlord is not seeking an Order of Possession based on it at this time.

Conclusion

The Application is dismissed without leave to re-apply.

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: January 11, 2019

Residential Tenancy Branch