



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFL OPL-4M**

Introduction

This hearing dealt with an application from the landlord pursuant to the *Residential Tenancy Act* (the *Act*) for the following:

- An order of possession for landlord's use of property pursuant to sections 49 and 55; and
- Reimbursement of the filing fee pursuant to section 72.

Both parties attended and were given full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions.

The tenant acknowledged receipt of the Notice of Hearing and the landlord's documents. No issues of service were raised. I find the landlord served the tenant pursuant to sections 89 and 90 of the *Act*.

Issue(s) to be Decided

Is the landlord entitled to:

- An order of possession for landlord's use of property pursuant to section 55; and
- Reimbursement of the filing fee pursuant to section 72.

Preliminary Issue – Withdrawal of Claim

The landlord attempted to call a witness to provide evidence and was unable to do so as the witness was unavailable. The landlord requested that her claim be withdrawn with leave to reapply.

Accordingly, I grant the applicant's request and withdraw the application with leave to reapply.

Conclusion

The application is withdrawn with leave to reapply.

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: February 25, 2019

Residential Tenancy Branch