



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding OLIVER KIWANIS SENIOR CITIZENS HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

The landlord applies for an order of possession pursuant to a one month Notice to End Tenancy for cause dated February 26, 2019.

This matter went through a hearing of evidence from both sides, though the tenant fell out of the telephone hearing after about 35 minutes and did not return. During the hearing it was indicated that there was a cross application brought by the tenant, seeking to cancel the Notice and seeking more time to do so as well as a request for a order that repairs be made to his unit.

Following the hearing of the matter it was determined by me that the “cross application” by the tenant had already been heard. Indeed, that matter came on for hearing April 15, 2019 and by a decision of the same date an arbitrator set aside the Notice in question.

As the Notice upon which the landlord seeks an order of possession in this matter has been cancelled, there is not basis upon which a request for such an order can be heard. The landlord’s application must therefor be dismissed.

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: May 16, 2019

Residential Tenancy Branch