



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing, by teleconference, was held on January 22, 2021. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities; and,
- to recover the filing fee from the Tenant for the cost of this application.

The Landlord attended the hearing and provided testimony. The Tenant did not attend the hearing. The Landlord testified that she sent the Notice of Hearing package and evidence to the Tenant on November 7, 2020. Proof of mailing was provided. Pursuant to section 89 and 90 of the Act, I find the Tenant is deemed to have received this package 5 days after it was mailed, on November 12, 2020.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matters

In the hearing, the Landlord explained that the Tenant had some issues making rent and utility payments during the pandemic period (March through till August 2020). The Landlord explained that they gave a repayment plan to the Tenant in August 2020, and

the Tenant has been slowly repaying the amounts outstanding from last year, as per the repayment plan. The Landlord also explained that the Tenant has paid her monthly rent without issue for the last while. The Landlord stated that she wishes to withdraw the 10 Day Notice issued, and to give the Tenant a second chance, since the Tenant has been making significant efforts to keep up with current rent, and to repay the amounts she owes from last year.

The Landlord requested to cancel the 10 Day Notice issued on October 2, 2020, and to withdraw this application for an order of possession, and for monetary compensation (for rent/utilities). In consideration of these requests, I hereby cancel the 10 Day Notice, issued October 2, 2020, at the Landlord's request, and I allow the Landlord to withdraw her application, in full.

The Landlord is granted leave to reapply for any outstanding monetary amounts, should the Tenant stop paying rent, or fail to pay for amounts listed on the repayment agreement. If the Landlord wishes to end the tenancy at a later date, a new Notice to End Tenancy will need to be issued, as the one from October 2, 2020, is of no force or effect.

The repayment plan issued by the Landlord in August 2020 is not affected by this decision.

Conclusion

The 10 Day Notice is hereby cancelled, and the landlord's application has been withdrawn in full.

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 22, 2021

Residential Tenancy Branch