



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Welbec Properties Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing dealt with the landlord's application pursuant to section 55 of the *Residential Tenancy Act* (the Act) for an Order of Possession.

The tenant did not attend this hearing which lasted approximately 10 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The corporate landlord was represented by their agent (the "landlord") who was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

At the outset of the hearing the landlord said that the tenant has vacated the rental unit and withdrew their application seeking an Order of Possession.

The landlord made an oral application at the hearing seeking an order allowing for the recovery of the filing fee from the tenant. As the landlord's original application did not indicate that they were seeking recovery of filing fees and in accordance with Residential Tenancy Rule of Procedure 4.6, adding a new head of claim without proper notice would be prejudicial, I decline to amend the landlord's application.

Conclusion

The landlord's application is withdrawn in its entirety and dismissed without leave to reapply.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: May 3, 2021

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Residential Tenancy Branch