Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Westwood Ridge Development
Corporation and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes   CNR-MT

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to be allowed more time to dispute a 10 Day Notice for Unpaid Rent, issued on January 24, 2022.

Only the tenant appeared. At the outset of the hearing the tenant requested their application be withdrawn. The tenant stated that hey did not serve their application on the landlord as they had resolved this matter.

As the landlord was not served with the tenant's application, I find it appropriate to dismiss the tenant's application without leave to reapply, as any future hearing would be barred from being heard as it would be past the effective date of the notice to end tenancy.

The tenant testified that they have resolved the issue with the landlord and rent is now paid. The tenant did not provide any proof of this, although the tenant indicated they had emails between the parties. One party cannot unilaterally a notice to end tenancy without the written consent of the other party .

Although the landlord would be entitled to an order of possession, if the tenant testimony is untruthful: however, I have not granted an order of possession as it is possible that this matter was resolved.

However, should the tenant have provided false testimony at this hearing. The landlord can make an application for review consideration on the basis of fraud or alternative make their own application for an order of possession as I have dismissed the tenant's application without leave.

Conclusion

The tenant's application is 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: March 07, 2022

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Residential Tenancy Branch