



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- an order of possession for unpaid rent and utilities pursuant to section 55;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Tenant:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62.

All named parties attended the hearing. During the hearing, it became evident that the landlord had also issued the tenant a One Month Notice to End Tenancy which was served on the tenant as the same date as the 10 Day Notice, April 22, 2022 by registered mail. The tenant's application did not include a request to cancel the One Month Notice which she says may have been by mistake. The landlord's application also did not include a request for an order of possession based on the One Month Notice. Neither party submitted a copy of the One Month Notice as evidence.

The landlord agreed that the small amount of rent and late fees outstanding as per the 10 Day Notice was paid in full by the tenant three days after she received the Notice.

The parties agreed that given the above circumstances in regard to the issue of the One Month Notice not properly being before me in this hearing; it would be reasonable and fair if the landlord withdrew both the 10 Day Notice and One Month Notice dated April

22, 2022. The landlord is at liberty to re-issue a One Month Notice to End Tenancy on the similar and/or different grounds as the previous Notice. The tenant is at liberty to file a new application to dispute the Notice if another one is issued.

The landlord's 10 Day Notice dated April 22, 2022 is withdrawn. The landlord's One Month Notice dated April 22, 2022 is withdrawn. All three of the above noted applications are 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: September 16, 2022

Residential Tenancy Branch