

DECISION

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- cancellation of the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice) under sections 46 and 55 of the Act

and with the Landlord's Application for Dispute Resolution under the Act for:

- an Order of Possession based on a 10 Day Notice under sections 46 and 55 of the Act
- a Monetary Order for unpaid rent under sections 55 and 67 of the Act
- authorization to recover the filing fee for this application from the Tenant under section 72 of the Act

Service of Notice of Dispute Resolution (Proceeding Package)

The Landlord confirmed having received the Proceeding Package from the Tenant for their application by pre-agreed email on August 27, 2024. I find that the Landlord was served with the Proceeding Package in accordance with section 89 of the Act.

The Tenant confirmed having received the Proceeding Package from the Landlord for their cross-application by Registered Mail on August 26, 2024. I find that the Tenant was served with the Proceeding Package in accordance with section 89 of the Act.

Service of Evidence

The Landlord confirmed having received evidence from the Tenant with the Proceeding Package by pre-agreed email on August 27, 2024. I find that the Landlord was served with the evidence in accordance with section 88 of the Act.

The Tenant confirmed having received evidence from the Landlord with the Proceeding Package by Registered Mail on August 26, 2024. I find that the Tenant was served with evidence in accordance with section 88 of the Act.

Issues to be Decided

Should the Landlord's 10 Day Notice be cancelled? If not, is the Landlord entitled to an Order of Possession and Monetary Order for unpaid rent?

Is the Landlord entitled to recover the filing fee for this application from the Tenant?

Analysis

Should the Landlord's 10 Day Notice be cancelled?

At the outset of the hearing, C.C. indicated that the Tenant had paid all rent arrears and that he no longer sought to enforce the 10 Day Notice to which these applications pertain, dated August 13, 2024.

For this reason, I did not proceed to hear the merits of either application, and find it appropriate to grant the Tenant's application for cancellation of the 10 Day Notice under sections 46 and 55 of the Act.

The 10 Day Notice dated August 13, 2024, is cancelled and of no force or effect. This tenancy continues until it is ended in accordance with the Act.

The Landlord's applications for an Order of Possession and Monetary Order based on the 10 Day Notice dated August 13, 2024, are dismissed without leave to reapply.

Is the Landlord entitled to recover the filing fee for this application from the Tenant?

As the Landlord has withdrawn the 10 Day Notice and abandoned their application to enforce it, their application for authorization to recover the filing fee for this application from the Tenant is dismissed without leave to reapply.

Conclusion

The Tenant's application is granted for cancellation of the 10 Day Notice under sections 46 and 55 of the Act.

The 10 Day Notice dated August 13, 2024, is cancelled and is of no force or effect.

This tenancy continues until it is ended in accordance with the Act.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: September 17, 2024

Residential Tenancy Branch