



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC & FF

Introduction

A hearing was conducted by conference call in the presence of the respondent and in the absence of the applicant. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy dated September 30, 2013 was sufficiently served on the Tenant by posting on September 30, 2013. Further, I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was personally served on the Tenant on October 17, 2013. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement. The tenancy commenced approximately 30 years ago. The present rent is \$930 payable on the first day of each month.

The landlord served a one month Notice to End Tenancy alleging the tenant has breached a material term of the tenancy agreement and that the tenant has seriously jeopardized the health and safety or lawful right of another occupant or the landlord.

The landlord alleged the tenant has failed to adequately clean the rental unit and has allowed it to fall into serious disrepair. The landlord produced a number of photographs as proof.

The tenant testified that she has made extensive efforts to clean and repair the unit. She produced a number of photographs to support her testimony. The Manager inspected the rental unit on November 20, 2013. The tenant testified the Manager telephoned her on November 22, 2013 and stated he was satisfied with the condition of the rental unit and would be withdrawing his application. However, it was too late for the application to be withdrawn.

The landlord failed to appear at the hearing. **As a result I dismissed the landlord's application for an Order for Possession and reimbursement of the cost of the filing fee without leave to re-apply.** The tenancy shall continue with the rights and obligations of the parties remaining unchanged.

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: November 27, 2013

Residential Tenancy Branch

