



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PACIFIC BREEZE APARTMENTS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL, FF

Introduction

This hearing was convened in relation to the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for landlord's use pursuant to section 55; and
- authorization to recover its filing fee for this application from the tenant pursuant to section 72.

While the landlord's agent attended, the tenant did not. I waited until 1116 in order to enable the tenant to connect with this teleconference hearing scheduled for 1100.

The tenant was served with the dispute resolution package on 25 February 2016 by registered mail. The landlord provided a Canada Post tracking number that set out the same. On the basis of the landlord's evidence, I find that the tenant was provided with notice of this hearing in accordance with subsection 89(1).

Withdrawal of Application

This dispute relates to a 2 Month Notice to End Tenancy for Landlord's Use (the 2 Month Notice). The 2 Month Notice was served to the tenant on 28 January 2016 by posting to the tenant's door. The 2 Month Notice set out an effective date of 31 March 2016. Pursuant to subsections 49(8) and 66(3), the tenant is out of time to dispute the 2 Month Notice.

The agent indicated that possession of the rental unit had returned to the landlord. The agent indicated that if the tenant did not attend the hearing, the landlord would withdraw its application as it did not require an order of possession.

As the tenant did not attend the landlord withdrew its application.

Conclusion

The landlord's application is withdrawn.

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

Dated: April 13, 2016

Residential Tenancy Branch