

DECISION

Dispute Codes CNL, CNR, OPL, OPR, MNR, MNSD, FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord has applied for an order of possession and a monetary order. The tenants have applied to cancel two notices to end tenancy and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord only. The tenant's did not attend.

As this hearing was to consider cross applications, I am satisfied that there are no service issues regarding the notice of hearing and accept that both parties were aware of this hearing.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent and/or for landlord's personal use; to a monetary order for unpaid rent; and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to sections 46, 49, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

In addition it must be decided whether the tenant is entitled to cancel a notice to end tenancy for unpaid rent and a notice to end tenancy for landlord's personal use; to a monetary order for emergency repairs; for all or part of the security deposit and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to sections 33, 38, 46, 49, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord attended the hearing and noted that the landlord and the tenants came to a mutual agreement and the tenants vacated the rental unit by the April 30, 2010. The landlord testified that he considers the dispute resolved and the matter closed.

Conclusion

In the absence of the tenants I dismiss their Application for Dispute Resolution in its entirety without leave to reapply.

As per the landlord's testimony he is no longer seeking an order of possession or a monetary order, I therefore dismiss the landlord's Application for Dispute Resolution in its entirety 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: May 19, 2010.

Dispute Resolution Officer