



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND FF
 MNR MNDC MNSD O FF

Introduction

The parties provided a written submission indicating they wished to withdraw their applications.

Issue(s) to be Decided

1. Has each party agreed to withdraw their claim against the other?
2. Has evidence been heard during the first hearing?
3. If so, would it constitute a breach of the Act to allow both applications to be withdrawn prior to the conclusion of the reconvened hearing?

Background and Evidence

The parties attended a teleconference hearing on February 16, 2011, and mutually agreed to adjourn the hearing so each party to conduct service of their evidence. No testimony or evidence was presented during this hearing. The request for adjournment was granted and the hearing was scheduled to reconvene on March 30, 2011.

On March 3, 2011 a document signed by both parties was faxed to the *Residential Tenancy Branch* which states the parties settled the matter and both wished to cancel their respective applications for dispute resolution.

Analysis

The evidence supports that both parties have acknowledged that they have settled these matters, prior to the reconvened hearing, and wish to cancel their applications for dispute resolution.

Section 64(3) of the Act provides that the Director may deal with any procedural issue that arises and may amend an application for dispute resolution, subject to the *Residential Tenancy Branch Rules of Procedure*.

After careful consideration I find that because no testimony or evidence has been presented by either party, these parties are in essence requesting to withdraw their application. Therefore, in accordance with Section 64(3) of the Act, both applications are hereby withdrawn.

Conclusion

As both applications have been withdrawn, no further action is required and the files are hereby closed.

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: March 08, 2011.

Residential Tenancy Branch