



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

Landlords: OPR, OPC, OPB, MND, MNR, MNDC and FF  
Tenant: CNC

### Introduction

This hearing was convened on applications by both the landlord and the tenants.

By application of October 15, 2012, the landlord sought an Order of Possession pursuant to a Notice to End Tenancy dated October 2, 2012 served in person for unpaid rent, cause and breach of the rental agreement. The landlord also sought a Monetary Order for unpaid rent, damage to the rental unit and loss or damage under the legislation or rental agreement and recovery of the filing fee for this proceeding.

By prior application of October 10, 2012, the tenants sought to have set aside the Notice to End Tenancy of October 2, 2012 for cause.

Despite having been served with the Notice of Hearing on the landlord's application and despite having made application, the tenants did not call in to the number provided to enable their participation in the telephone conference call hearing which, therefore, proceeded in their absence.

At the commencement of the hearing, the landlord advised that the tenants were in the process of moving and, having taken their promise to vacate by the weekend on faith, he asked to withdraw his application.

On failure to appear, the tenants' application is dismissed without leave to reapply.

Conclusion

The landlord's application is withdrawn.

The tenant's application is dismissed 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: November 15, 2012.

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Residential Tenancy Branch