



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Tenant's application (filed March 20, 2014): MNDC, RPP, FF

Landlord's application (filed April 11, 2014): MND, MNR, FF

Introduction

This Hearing was convened to consider cross applications. The Tenant filed an Application for Dispute Resolution seeking compensation for damage or loss under the Act, regulation or tenancy agreement; an Order that the Landlord return his personal property; and to recover the cost of the filing fee from the Landlord.

The Landlord filed an Application for Dispute Resolution seeking a monetary award for unpaid rent and damages to the rental unit; and to recover the cost of the filing fee from the Tenant.

The Landlord signed into the teleconference and gave affirmed testimony. The Tenant did not sign into the Hearing, which remained open for 15 minutes.

Preliminary Matters

The Landlord acknowledged receiving the Tenant's Notice of Hearing documents. She testified that on April 14, 2014, she mailed the Tenant her Notice of Hearing documents, by registered mail, to the address that the Tenant gave for service of documents on his Application for Dispute Resolution. The Landlord provided a copy of the registered mail receipt and tracking number in evidence. A search of the Canada Post Tracking system indicates that the Tenant received the Landlord's documents on April 23, 2014.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of Hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I find that that the Tenant has abandoned his application, and therefore I dismiss his application without leave to re-apply.

The Landlord stated that she wished to withdraw her claim at this time. I allowed the Landlord to withdraw her claim and explained to her that she could re-file her claim, within the legislated time limits, if she so chooses.

Conclusion

The Tenant's application is **dismissed without leave to reapply**.

The Landlord's application to withdraw her Application for Dispute Resolution is granted.

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 08, 2014

Residential Tenancy Branch

