



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, MNSD, FF, O

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants for an order cancelling a notice to end tenancy for cause; for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for a monetary order for return of all or part of the pet damage deposit or security deposit; and to recover the filing fee from the landlord for the cost of the application.

Both tenants attended the hearing, however no one for the landlord attended. The tenants did not prove that the landlord was served with the application or notice of this hearing.

The tenants advised that circumstances have changed since the application for dispute resolution was filed, and the parties signed a mutual agreement ending the Tenancy. Therefore, the tenants do not seek an order cancelling the notice to end tenancy, and withdraw that claim.

Since the tenants have not provided sufficient evidence that the landlord has been served with the required documentation, I dismiss the balance of the tenants' application with leave to reapply.

I have made no findings of fact or law with respect to the merits of the application.

Since the tenants have not been successful in receiving an order with respect to this application, the tenants are not entitled to recovery of the filing fee, and I dismiss that portion of the tenants' application without leave to reapply.

Conclusion

For the reasons set out above, I hereby dismiss the tenants' application for an order cancelling a notice to end tenancy, as withdrawn.

The tenants' application for recovery of the filing fee from the landlord for the cost of this application is hereby dismissed without leave to reapply.

The balance of the tenants' application is hereby dismissed with 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: October 10, 2014

Residential Tenancy Branch

