



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNL, CNR, MNDC, FF

Introduction

This hearing was scheduled in response to the tenant's application to cancel a Notice ending tenancy for landlord's use and unpaid rent; compensation for damage of loss under the Act and Orders for repair and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The tenant provided affirmed testimony that on August 12, 2014 copies of the Application for Dispute Resolution and Notice of Hearing was placed in the rental building mail slot. This was the service address indicated on the Notice ending tenancy issued to the tenant on August 7, 2014. Two days later V.M., the landlord's agent, was at the property and was told the mail was in the mail box. The agent then took the hearing package out of the mail box.

These documents are deemed to have been served sufficiently served, in accordance with sections 71(2)(b), 89 and 90 of the Act; however the landlord did not appear at the hearing.

Preliminary Matters

The tenant said that he was expecting a friend to attend the hearing, to assist him. English is not the tenant's first language. The tenant was experiencing problems with my questions; he found it frustrating, as he could not properly respond.

I attempted to discuss the tenant's options and the need for a translator, so I could be sure the tenant was given a fair hearing. After almost thirty minutes the tenant's advocate entered the conference call hearing; he arrived at the office where the tenant had been waiting.

Once the advocate arrived he was affirmed and was able to provide translation for the tenant. At this point the tenant decided to withdraw his application.

The tenant has vacated the rental unit.

Conclusion

The tenant has vacated the rental unit.

The tenant's application is withdrawn; the tenant has leave to reapply within the legislated time-frames.

This decision is final and binding and 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 09, 2014

Residential Tenancy Branch

