



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the *Act*") for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent, damage or loss pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, although I waited until 9:58 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given an opportunity to make submissions.

The landlord testified that he personally served the tenants with a notice to end tenancy on February 25, 2015. The landlord's witness confirmed that she was present for this personal service of both tenants. Based on the landlord's testimony and pursuant to section 88 of the *Act*, I find the tenants both duly served with the notice to end tenancy. The landlord testified that he personally served the tenants with his Application for Dispute Resolution package with Notice of Hearing on March 3, 2015. The landlord's witness also supported this testimony, indicating she was present at this service of both tenants. Based on this testimony and pursuant to section 89 of the *Act*, I find the tenants both duly served with the landlord's Application for Dispute Resolution package.

### Preliminary Issue: Names of Respondents

The landlord's witness testified that the respondents have advised their names are both wrong on the Application for Dispute Resolution. Initially, the landlord's sought to amend the names to reflect the information they had been provided.

The landlord and his witness testified that the tenants vacated the rental unit on April 1, 2015. They testified that they no longer require an Order of Possession. The landlord

also testified that they have not been able to gather the appropriate documentation to reflect the outstanding rent owing by the tenant or gather evidence surrounding damage to the rental unit given that the tenants vacated one day prior to the hearing of this matter. The landlord applied to withdraw his application to gather further evidence with respect to the application for a monetary order for unpaid rent, damage or loss as a result of this tenancy.

### Conclusion

The landlord sought to withdraw his application in its entirety at this time. Therefore, the landlord's application is withdrawn.

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: April 07, 2015

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Residential Tenancy Branch

