



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, MT, CNC, OLC, FF

### Introduction

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

- an Order of Possession for cause, pursuant to section 55;
- authorization to recover the filing fee for their application from the tenant, pursuant to section 72.

This hearing also dealt with the tenant's cross-application against landlord VK only, pursuant to the *Act* for:

- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause ("1 Month Notice"), pursuant to section 66;
- cancellation of the landlord's 1 Month Notice, pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement, pursuant to section 62;
- authorization to recover the filing fee for his application, pursuant to section 72.

While the landlords attended the hearing by way of conference call, the tenant did not, although I waited until 9:41 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m.

### Landlords' Application

At the outset of the hearing, the landlords testified that the tenant vacated the rental unit by May 3, 2015. The landlords confirmed that they had obtained possession of the rental unit. The landlords confirmed that they wished to withdraw their application for an order of possession for cause. The landlords testified that they still wished to pursue their application to recover the \$50.00 filing fee from the tenant.

As I was not required to make a decision on the merits of this case, since the landlords withdrew their application for an order of possession at the hearing, the landlords' application to recover the filing fee is dismissed without leave to reapply.

### Tenant's Application

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

*10.1 Commencement of the dispute resolution proceeding: The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.*

In the absence of the tenant's participation in this hearing, I order the tenant's entire application dismissed without leave to reapply.

### Conclusion

The landlords' application for an order of possession is withdrawn. The landlords' application to recover the filing fee is dismissed without leave to reapply.

The tenant's entire 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: May 29, 2015

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Residential Tenancy Branch

