



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, MNDC

Introduction and Preliminary Matters

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act ("Act"). The tenant applied for order of possession for the rental unit and a monetary order for money owed or compensation for damage or loss.

The tenant's advocate attended the telephone conference call hearing; the landlord did not attend.

At the outset of the hearing, the matter of the service of the tenant's application upon the landlord and the tenant's monetary claim was discussed on a preliminary basis. The tenant's advocate stated that they used the address listed on the written tenancy agreement prepared by the tenant to serve the landlord with the tenant's application, but that address was falsified by the landlord. The registered mail was returned, uncollected.

The tenant's advocate stated that the tenant no longer wanted to move into the rental unit, but that the tenant did want to proceed on his monetary claim.

The tenant's advocate was informed that I would not consider the monetary claim of the tenant due to failure to provide a detailed calculation of their monetary claim, as required by section 59(2)(b) of the *Act* and 2.5 of the Dispute Resolution Rules of Procedure (Rules).

The tenant's advocate also stated that she would like the opportunity to re-serve the landlord with the tenant's application, as she has now become aware that the landlord falsified the address of the landlord on the written tenancy agreement.

At this point, the tenant's advocate requested that their application be withdrawn.

Analysis

As the tenant through his advocate requested withdrawal of their application, I grant this request, having made no findings of fact or law. The tenant is at liberty to file another application if they so choose.

Conclusion

The tenant's request has been granted and their application has been withdrawn.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: June 5, 2015

Residential Tenancy Branch

