



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, FF; CNC

### Introduction

This hearing dealt with the landlord's 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 from the tenant, pursuant to section 72.

This hearing also dealt with the tenant's application pursuant to the *Act* for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause, dated May 8, 2015 ("1 Month Notice"), pursuant to section 47;

The tenant did not attend this hearing, which lasted approximately 11 minutes. The landlord JM ("landlord") attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions, and to call witnesses. The landlord confirmed that she is the area manager for the landlord company named in this application, and that she had authority to represent it as an agent at this hearing. Witness CT provided sworn testimony on behalf of the landlord at this hearing.

### Landlord's Application

At the outset of the hearing, witness CT testified that the tenant had vacated the rental unit as of June 30, 2015, as witness CT personally entered the rental unit on June 30, July 1 and July 3, 2015. On this basis, the landlord testified that she wished to withdraw the landlord's application for an order of possession for cause. Accordingly, the landlord's application for an order of possession for cause, is withdrawn.

The landlord testified that she still wished to pursue the application to recover the \$50.00 filing fee from the tenant.

I was not required to make a decision on the merits of this case, as the landlord withdrew the application for an order of possession at the hearing. As the filing fee is a discretionary award under section 72 of the *Act*, I decline to award the filing fee to the landlord. Accordingly, the landlord's application to recover the filing fee is dismissed without leave to reapply.

### Tenant's Application

While the respondent landlord attended the hearing by way of conference call, the applicant tenant did not.

Rule 10.1 of the 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 application dismissed without leave to reapply.**

### Conclusion

The landlord's application for an order of possession for cause, is withdrawn.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

The tenant's 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: July 03, 2015

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Residential Tenancy Branch

