



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, OPT, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act, (the “Act”), for an order of possession, for access to the rental unit and a monetary order for money owed or loss.

Both parties appeared.

Preliminary matter

At the outset of the hearing the tenant indicated that they want to withdraw their application and refile later.

The tenant testified that they have 3-degree burns and are unable to participate in the hearing. The tenant stated that their doctor sent in a medical note yesterday January 20, 2015 and it was confirmed received when they contacted the branch later that same day.

The tenant testified that they are unsure if they want possession of the rental unit and want further time to consider their position as they are not willing to make that decision today.

The landlord’s testified that the tenant has not lived in the rental unit for a long period of time and they have created a new tenancy with the tenant’s former roommate. The landlord stated the tenant has left belongings behind which they will like them to pickup by the middle of February 2016.

I have reviewed the Residential Tenancy Branch audit notes, which do not support the tenant’s testimony. The audit notes indicate someone identifying themselves as a relative of the tenant called to cancel the hearing, however, they were informed that the tenant needed to call in, as they were not a party to the claim.

The audit notes further indicate that the information officer attempted to call the tenant at both numbers listed in the tenant's application. The first number went unanswered and the second number noted on the file was not the tenant's.

The audit notes indicate that there was no direct conversation with the tenant on January 20, 2015, and there was no evidence received, such as a medical letter as claimed by the tenant, as all conversations and evidence are logged.

Further, the tenant was unsure that they want possession of the rental unit.

As a result, I find would be unfair and prejudicial to the landlord's to allow the tenant to withdraw their application and cancel the hearing, just to proceed at a later date. A party cannot unilaterally cancel a hearing.

Therefore as the tenant's has provided no documentary evidence or testimony to support their claim, I dismiss the tenant's application without leave to reapply.

Conclusion

The tenant's application is dismissed.

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: January 21, 2016

Residential Tenancy Branch

