



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, OPC, MND, MNDC, FF

Introduction

This hearing was convened in response to cross applications.

The Tenant filed an Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause.

The Landlords filed an Application for Dispute Resolution, in which the Landlords applied for an Order of Possession, a monetary Order for money owed or compensation for damage or loss, a monetary Order for damage, and to recover the fee for filing an Application for Dispute Resolution.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside or should the Landlords be granted an Order of Possession?

Are the Landlords entitled to a monetary Order?

Background and Evidence

At the outset of the hearing the female Landlord stated that the Tenant had recently passed away; that the Tenant's family was in the process of emptying the rental unit; and that the Landlords and the Tenant's family will likely be able to resolve this matter without the help of the Residential Tenancy Branch.

As the Landlords believe they will be able to end this tenancy and to resolve any outstanding issues without the help of the Residential Tenancy Branch, the Landlords opted to withdraw their Application for Dispute Resolution.

Analysis

The Landlords' Application for Dispute Resolution has been withdrawn. The Landlords retain the right to file another Application for Dispute Resolution if they are unable to resolve the issues in dispute at these proceedings.

On the basis of the information provided by the Landlords, I find that the Tenant is deceased and is, therefore, unable to pursue her Application for Dispute Resolution. I therefore find that her Application for Dispute Resolution has been abandoned. The Tenant's legal representative retains the right to file another Application for Dispute Resolution if necessary.

Conclusion

The Landlords' Application for Dispute Resolution has been withdrawn. The Tenant's Application for Dispute Resolution has been abandoned. Both parties retain the right to file another Application for Dispute Resolution if necessary.

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: March 22, 2016

Residential Tenancy Branch