



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RP, PSF, RR, FF, O

Introduction

This hearing was convened as a result of the tenants' application under the *Residential Tenancy Act* (the "Act"). The tenants allege that the heating system in their rental unit was not functioning properly such that they were required to pay very large hydro bills simply to keep the unit habitable. The tenants applied for money owed for loss under the Act, regulation or tenancy agreement, for an order requiring the landlord to make repairs to the unit and/or to provide services or facilities required by law, for orders allowing them to reduce rent and to recover the cost of the filing fee, and for other unspecified relief.

The hearing began promptly at 1:30 p.m. Pacific Time on January 10, 2017. The tenants attended the hearing and gave affirmed testimony. The landlord did not attend the hearing.

As the landlord did not attend the hearing, service of the tenants' application and notice of hearing was considered. The tenants testified that they served the landlord with their application package, including the notice of hearing and supporting materials by registered mail sent December 8, 2016. The landlord provided the Residential Tenancy Branch with evidence responsive to the tenants' application on December 15, 2016. The tenants confirmed that they had also received the landlord's materials.

The tenants further testified that the landlord had obtained an order of possession for unpaid rent by direct request and had very recently enforced that order. As a result, the tenants and their children were homeless and were calling in to the hearing from their car. Based on these difficult circumstances, the tenants requested that they be allowed withdraw their application in full. Therefore, I make no findings on the merits of this matter.

The tenants are at liberty to reapply. This decision does not extend any applicable time limits under the Act.

I do not grant the recovery of the cost of the filing fee as the application was withdrawn in full during the hearing.

Conclusion

The tenants withdrew their application in full during the hearing. The tenants are at liberty to reapply. I note that this decision does not extend any applicable time limits under the Act.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Residential Tenancy Act*.

Dated: January 27, 2017

Residential Tenancy Branch