



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* ("Act"), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for:

- an Order of Possession for unpaid rent, pursuant to section 55; and
- a monetary order for unpaid rent, pursuant to section 67

The tenant did not attend the hearing, which lasted approximately 17 minutes. The landlord's agent, WS ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he had authority to speak on behalf of the landlord owner named in this application, as an agent at this hearing.

This hearing was originally scheduled as a direct request proceeding, which is a non-participatory hearing. An "interim decision," dated February 24, 2017, was issued by an Adjudicator for the direct request proceeding. The interim decision adjourned the direct request proceeding to this participatory hearing.

At the hearing, the landlord confirmed that he did not wish to pursue the landlord's application. He confirmed that the tenant had already vacated the rental unit on March 4, 2017 and he did not require an order of possession. He stated that he did not think that the landlord would be successful in pursuing the tenant for a monetary order even though there was unpaid rent because the landlord could not locate the tenant. I informed him that the landlord would not be able to refile another application asking for the same relief in the future if he did not pursue it at this hearing. The landlord confirmed that he understood and agreed to this term.

Conclusion

The landlord's entire 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: March 24, 2017

Residential Tenancy Branch

