



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, MNDC, MNSD, FF, CNR, OLC

### Introduction

This hearing dealt with an application by both parties pursuant to the *Residential Tenancy Act* ("Act").

The landlords sought:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants sought:

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- an order requiring the landlords to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

The tenants did not attend this hearing, although I waited until 1:45 p.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 1:30 p.m. Landlord J.Z. (the landlord) attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the hearing** The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing 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 any evidence or submissions from the tenants, I order the Tenants' Application dismissed, without liberty to reapply.

The landlord testified that the Landlords' Application for Dispute Resolution (the Landlords' Application) and evidentiary package were sent to the tenants by way of registered mail on August 30, 2017. The landlord provided a copy of the Canada Post Tracking Number to confirm this registered mailing. In accordance with sections 88, 89 and 90 of the *Act*, I find the tenants were deemed served with the Landlords' Application and evidentiary package on September 04, 2017, the fifth day after its registered mailing.

At the outset of the hearing the landlord testified that the rent for August 2017 and September 2017 were paid by the tenants.

The landlord gave undisputed sworn testimony and provided written evidence that he had a meeting with the tenants on September 05, 2017, at which time a Mutual Agreement to End a Tenancy was agreed to and signed by the landlord and both tenants, effective as of October 31, 2017. The landlord requested to withdraw the Landlords' Application in its entirety.

### Conclusion

The Landlords' Application is withdrawn.

The Tenants' 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: October 02, 2017

---

Residential Tenancy Branch