



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WILLINGDON AVENUE DEVELOPMENTS LP C/O WESGROUP
PROPERTIES and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPRM-DR, FF, CNR, CNC

Introduction

This hearing dealt with applications from both the landlord and Tenant CM under the *Residential Tenancy Act* (the *Act*). The landlord's application naming both tenants as Respondents applied for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for \$1,510.00 in unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

Tenant CM applied for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

The tenants did not attend this hearing, although I waited until 1:41 p.m. in order to enable them to connect with this teleconference hearing scheduled for 1:30 p.m. 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.

The landlord testified that all issues in dispute regarding these applications had been resolved by the parties. She said that Tenant CM, the tenant who had been residing in the rental unit, vacated the rental unit on November 2, 2017. As the landlord has possession of the rental unit, the landlord withdrew the landlord's application for dispute resolution. The landlord's application is hereby withdrawn.

The landlord testified that she did not expect the tenant to call into this teleconference hearing, as the sole issue identified in his application had been his attempt to cancel the

notice to end tenancy. Since he has vacated the rental unit, she believed he was no longer planning to pursue this matter. During the hearing, the tenant contacted her by way of a text message confirming that he did not have the contact information for this hearing as he had left it with his belongings in storage. Even though the tenant's application appears resolved, I dismiss the tenant's application with leave to reapply, as I received no direct confirmation from him as to his wishes.

Conclusion

The landlord's application is withdrawn. The tenant's application is dismissed with 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: November 06, 2017

Residential Tenancy Branch