



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes OPR, MNR

Introduction

This is a Review Hearing Decision arising from an application from the Landlord for an order of possession of a rental unit and a monetary order for unpaid rent. The Application proceeded by ex parte proceeding pursuant to section 55(4) of the Act. On January 19, 2018, the Landlord was granted an order of possession and monetary order on the basis of an undisputed 10 Day Notice to end tenancy and the written submissions of the Landlord.

On September 22, 2017, the Tenant submitted an Application for Review Consideration on the basis of fraud. The Tenants alleged that they received the 10 Day notice in the mail and that the Landlord increased the rent without notice and refused to accept payment of the rent by cheque.

On February 1, 2018, an Arbitrator heard the Application for Review Consideration and suspended the Decision and order made on January 19, 2018, until a new hearing was completed.

New Hearing

This matter was set for hearing by telephone conference call at 9:00 am on this date. The Landlord attended the new hearing; however the Tenants did not. The line remained open while the phone system was monitored and the Tenants did not called into the hearing.

The Landlord testified that the Tenants moved out of the rental unit on March 28, 2018. The Landlord indicated that he does not require an order of possession for the rental unit.

The Landlord testified that he does not know the forwarding address of the Tenants and therefore he would not be able to serve any monetary order. The Landlord requested to abandon his claim for unpaid rent.

Analysis

The Tenants failed to attend the new hearing. I find that the tenancy ended on March 28, 2018, when the Tenants moved out of the rental unit.

Since the tenancy has ended, there is no need to determine whether or not the tenancy will end due to the issuance of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated January 3, 2018.

The Landlord has withdrawn his request for compensation for unpaid rent. The Landlord's application is dismissed.

Conclusion

I find that the tenancy ended on March 28, 2018, when the Tenants moved out of the rental unit.

The Landlord withdrew his request for an order of possession and a monetary order for unpaid rent. The Landlord's application is dismissed.

The order of possession and monetary order issued on January 19, 2018 are set aside.

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: April 05, 2018

Residential Tenancy Branch