



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, CNR, MNR, FF

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*.

The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee. The tenant applied for an order to cancel the notice to end tenancy.

The landlord served the tenant with a notice of hearing package on September 26, 2018 by registered mail. The landlord filed a copy of the tracking history into evidence. The evidence indicates that the tenant received the notice of hearing on September 28, 2018 and signed in acknowledgement of having received it.

Despite having been served with a notice of hearing and having made application for dispute resolution, the tenant did not attend the hearing. Therefore the tenant's application is dismissed without leave to reapply and accordingly this hearing only dealt with the landlord's application.

The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

At the start of the hearing, the landlord stated that the tenant had moved out on September 30, 2018 and that he had regained possession of the rental unit. Since the tenancy has ended and the landlord has possession of the rental unit, the landlord's application for an order of possession is moot.

The landlord also testified that he had forgiven the balance of rent owed and dealt with the return of the security deposit. The landlord filed evidence to support his testimony and also filed a copy of a release of all claims against the landlord, signed by the tenant.

Conclusion

The landlord has withdrawn his application.

The tenant's application is dismissed in its entirety 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 29, 2018

Residential Tenancy Branch