



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, CNL, OLC, FFT

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 30;
- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property pursuant to section 49;
- an order requiring the landlord to comply with the Act, regulation, or tenancy agreement pursuant to section 62; and
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

Only tenant SG attended the hearing. At the outset of the hearing he advised me that the tenants were vacating the rental premises in seven days, and as such, wanted to withdraw the entirety of the tenants' claim.

At the hearing, I accepted the tenants' withdrawal. However, upon further consideration I find that I cannot. Rule of Procedure 5.0.1 states that "where a tenant has applied to dispute a landlord's notice to end tenancy, the applicant tenant requires the written consent of the landlord to withdraw their application." The tenants did not provide such written consent.

Accordingly, as the tenants provided no evidence at the hearing, I dismiss the tenants' application, 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: February 28, 2019

Residential Tenancy Branch