



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the landlord: OPR, OPL-4M, FFL
For the tenant: CNR, OLC, FFT

Introduction

This hearing was convened as a result of an Application for Dispute Resolution (“application”) by both parties seeking remedy under the *Residential Tenancy Act* (“Act”). The landlord applied for an order of possession for unpaid rent or utilities, for an order of possession based on an undisputed 4 Month Notice to End Tenancy For Landlord’s Use of Property, and to recover the cost of the filing fee. The tenant applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

Both parties were issued a Notice of Dispute Resolution Proceeding dated March 18, 2019 (“Notice of Hearing”). The hearing date and time were scheduled for this date, Friday, April 26, 2019 at 9:30 a.m. Pacific Time. Two agents for the landlord RD and SA (“agents”) attended the teleconference hearing. The tenant did not attend the teleconference hearing. After the standard ten minute waiting period, the tenant’s application was dismissed in full, without leave to reapply, as the tenant failed to attend the hearing to present the merits of their application. During the hearing, I confirmed that only the two agents for the landlord and the undersigned were present during the call. I have also confirmed that the access codes were correct.

The agents testified that since filing their application, the tenant vacated the rental unit the week before the hearing which was held on Friday, April 26, 2019 at 9:30 a.m. Pacific Time. The agents requested to withdraw the landlord’s application in full as the landlord no longer requires an order of possession as the tenant has returned possession of the rental unit back to the landlord.

Preliminary and Procedural Matter

The email addresses for the parties were included in the application before me. The agents confirmed their understanding that the decision would be emailed to both parties.

Conclusion

The tenant's application has been dismissed in full, without leave to reapply as the tenant failed to attend the hearing to present the merits of their application.

The agents requested to withdraw their application in full as the tenant has vacated the rental unit.

Given the above, I do not grant either party the recovery of the cost of the filing fee.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 26, 2019

Residential Tenancy Branch