



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-OPL, MNDCT

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for landlord use.
- b. A monetary order in the sum of \$5204 for cost associated with the Tenant's over-holding. .
- c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present. The parties acknowledged they had received the documents of the other party.

I find that the 2 month Notice to End Tenancy was personally served on the Tenant on February 26, 2019. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was personally served on the Tenant on April 23, 2019. I find that the Amended Application for Dispute Resolution was personally served on the Tenant on May 3, 2019. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided:

The issues to be decided are as follows:

- a. Whether the landlords are entitled to an Order for Possession?
- b. Whether the landlords are entitled to A Monetary Order and if so how much?
- c. Whether the landlords are entitled to recover the cost of the filing fee?

Background and Evidence:

The previous owners sold the property to the landlords with the change of possession set for May 1, 2019.

The tenancy with the previous owner commenced in 1992.

The tenant vacated the rental unit on May 15, 2019. There was a question as to whether certain lumber belonged to the Tenant. The Tenant stated it belonged to a neighbor. He also represented that he has removed all of his belongings from the rental property and has no intention to return to the rental unit to pick up belongings.

Conclusion:

The landlord stated that as the tenant has vacated the rental property she wished to withdraw her application. The Tenant agreed to the withdrawal of the claim. As a result I ordered that the application be dismissed as withdrawn with leave to re-apply. I have not made any decision on the merits. .

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: June 07, 2019

Residential Tenancy Branch