



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the landlord: OPRM-DR, FFL
For the tenants: CNR, 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 rent or utilities, for a monetary order of \$7,600.00 for unpaid rent or utilities, and to recover the cost of the filing fee. The tenants applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (“10 Day Notice”), and to recover the cost of the filing fee.

The hearing began promptly at 9:30 a.m., Pacific Time, on Thursday, October 3, 2019, as scheduled and the telephone system remained open and was monitored for 15 minutes. During this time, only tenant AF (“tenant”) attended the teleconference hearing. The tenant testified that prior to the hearing, the parties have worked out an agreement and the tenant requested to withdraw their application in full as a result.

After the mandatory 10 minutes waiting period, the landlord’s application was dismissed in full, without leave to reapply, as the landlord failed to attend the hearing to withdraw their application and did not cancel the hearing in advance. I confirmed that the correct call-in codes, date and time were listed on the Notice of Dispute Resolution Proceeding document provided to the landlord dated September 6, 2019 (“Notice of Hearing”).

As the landlord did not attend the hearing to object to the tenant’s request to withdraw their application in full, the tenant’s request was granted.

The filing fee is not granted to either party as the tenants withdrew their application, and the landlord failed to attend the hearing to either present the merits of their application or withdraw their application, and did not cancel the hearing in advance.

Conclusion

The landlord's application is dismissed, without leave to reapply.

The tenants' application was withdrawn in full during the hearing.

The filing fees are not granted for either party.

The decision will be emailed to both parties at the email address for the landlord provided in the landlord's application, and to the email address for the tenants confirmed during the hearing.

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: October 3, 2019

Residential Tenancy Branch