



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      **FFL OPRM-DR**

### **Introduction**

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

- Authorization to recover the filing fees from the tenant pursuant to section 72; and
- An order of possession and a monetary order for unpaid rent, by direct request pursuant to sections 46 and 55.

The landlord NS attended the hearing ("landlord"). Neither of the tenants attended the hearing, although I left the teleconference hearing connection open until 11:20 a.m. to enable the tenants to call into this hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord testified she personally served the tenants with the Application for Dispute Resolution on December 7, 2019. I find the tenants were duly served with the application on that date in accordance with sections 89 and 90 of the *Act*. The landlord also testified that the tenants had moved out of the rental unit on December 11, 2019 and that she no longer requires an Order of Possession.

At the commencement of the hearing, the landlord sought to withdraw her Application for Dispute Resolution in accordance with Rule 5 of the Residential Tenancy Branch Rules of Procedure ("Rules").

Preliminary Issue

Pursuant to Rule 5.0.1 of the Rules, an applicant may withdraw an Application for Dispute Resolution anytime before the hearing. I determined that since the landlord no longer seeks or requires an Order of Possession due to the tenants vacating the rental unit, that issue is no longer in dispute. Second, I determined that it would not prejudice the tenant's position if I were to allow the landlord to withdraw her application for unpaid rent. The merits of this portion of the landlord's application was not determined.

Given these findings, the landlord's request to withdraw her application is granted. The landlord is granted leave to reapply for a monetary order for unpaid rent. Leave to reapply does not extend any deadlines established pursuant to the *Act*, including the deadlines for applying for dispute resolution.

Conclusion

The landlord's application is withdrawn.

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: January 16, 2020

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Residential Tenancy Branch