



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MULTIPLE GROUP HANS WONG REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This hearing was convened by way of conference call in response to cross applications for dispute resolution filed by the Tenant.

The first application was filed March 03, 2020. The Tenant applied to dispute a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities served in February.

The second application was filed March 25, 2020. The Tenant applied to dispute a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities served in March.

The Tenant appeared at the hearing. Nobody appeared at the hearing for the Landlord. I explained the hearing process to the Tenant who did not have questions when asked. The Tenant provided affirmed testimony.

The Tenant advised at the outset that this matter had been resolved and he had an email from the Landlord stating this. The Tenant advised that he was not able to submit the email to the RTB. The Tenant advised that he is still living at the rental unit and had paid all outstanding rent.

Neither party submitted evidence prior to the hearing. I addressed service of the hearing packages.

The Tenant testified that the hearing packages for both applications were served on the Landlord by registered mail. He testified that the packages were sent the day after he received them from the RTB. He testified that the packages were sent to the Landlord's address for service noted on the written tenancy agreement. The Tenant could not provide tracking numbers for the packages.

RTB records show the hearing package for the first application was available for the Tenant March 03, 2020. RTB records show the hearing package for the second application was sent to the Tenant March 30, 2020.

Based on the undisputed testimony of the Tenant, I am satisfied the hearing packages for both applications were served on the Landlord in accordance with section 89(1)(c) of the *Residential Tenancy Act* (the “Act”). Based on the undisputed testimony of the Tenant, I am satisfied the hearing packages were sent March 04, 2020 and March 31, 2020. Pursuant to section 90(a) of the *Act*, the Landlord is deemed to have received the hearing packages March 09, 2020 and April 05, 2020. I am satisfied the Tenant complied with rule 3.1 of the Rules of Procedure (the “Rules”) in relation to the timing of service. I am satisfied the hearing packages were served in sufficient time to allow the Landlord to prepare for, and appear at, the hearing.

I told the Tenant during the hearing that I would make a decision on service of the hearing packages in my written decision. I told the Tenant that, assuming I was satisfied of service, the Tenant could either withdraw the disputes of the 10 Day Notices to End Tenancy Issued for Unpaid Rent or Utilities or proceed with the disputes. I told the Tenant I could not tell him what he should do, I could only outline his options. I told the Tenant that, if he withdrew the disputes of the 10 Day Notices to End Tenancy Issued for Unpaid Rent or Utilities he would be out of time to dispute them in the future. The Tenant asked to withdraw the disputes of the 10 Day Notices to End Tenancy Issued for Unpaid Rent or Utilities given he and the Landlord had resolved this matter.

Rule 5.0.1 of the Rules states:

Withdrawing an application to dispute a notice to end tenancy

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.

I allow the Tenant to withdraw the applications because I am satisfied of service of the hearing packages on the Landlord and the Landlord did not attend the hearing which lasted 21 minutes. I do not find that the Tenant was required to proceed with the applications when the Tenant and Landlord had resolved the matters. There is no prejudice to the Landlord in allowing the Tenant to withdraw the applications when the Landlord did not attend the hearing as the Landlord would not have been issued an Order of Possession based on the 10 Day Notices to End Tenancy Issued for Unpaid

Rent or Utilities in their absence in any event. In these specific circumstances, I find it appropriate to allow the Tenant to withdraw the applications.

The applications are withdrawn at the request of the Tenant.

Conclusion

The applications are withdrawn at the request of the Tenant.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: April 28, 2020

Residential Tenancy Branch