



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNDCT, AAT, LRE, PSF, LAT, OLC**

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

- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 30;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$30,000 pursuant to section 67;
- authorization to change the locks to the rental unit pursuant to section 70; and
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70.

This hearing is reconvened from a prior hearing which occurred on July 31, 2020. The tenant was represented by her agent MS and the landlord by her counsel BG. Neither party attended the hearing.

At the outset of the hearing, the representatives advised me that the parties had come to an agreement whereby the tenant would withdraw her claim. The parties submitted a one-page "application withdrawal by consent" signed by the tenant and a different counsel for the landlord dated September 15, 2020.

Rule of Procedure 5.0.1 permits a party to withdraw their claim no later than one week before the scheduled hearing. The parties did not do this. However, Rule 5.0.1 allows for a withdrawal of an application after the hearing has begun and is adjourned (as is the case here). However, it requires the presiding arbitrator to issue a final decision.

As such, I order that this matter is dismissed with leave to reapply. This dismissal does nothing to extend any statutorily imposed timelines.

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: September 17, 2020

Residential Tenancy Branch