



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC
 CNC, OLC, PSF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”). The matter was set for a conference call.

The Landlord’s Application for Dispute Resolution was made on September 23, 2020. The Landlord applied to enforce a One-Month Notice End Tenancy for Cause (the “Notice”) issued on September 13, 2020, to for a monetary order for unpaid rent, permission to retain the security deposit and to recover their filing fee

The Tenant’s Application for Dispute Resolution was made on October 19, 2020. The Tenant applied to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) issued on September 13, 2020, for an order for the Landlord to comply with the Act, and for an order for the Landlord to provide services or facilities required by the tenancy agreement or law.

The Landlord and their Agent (the “Landlord”) attended the hearing; however, the Tenant did not. As the Tenant is an applicant in this hearing, I find that the Tenant had been duly notified of the Notice of Hearing in accordance with the *Act*.

The Landlord was affirmed to be truthful in their testimony and was provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Should the Notice to End Tenancy dated September 13, 2020, be cancelled?
- If not, is the Landlord entitled to an order of possession pursuant to section 55 of the Act?
- Should the Landlord be ordered to comply with the Act and/or tenancy agreement?
- Should the Landlord be ordered to provide services or facilities required by the tenancy agreement or law?

Background and Evidence

This hearing was scheduled for a teleconference hearing on this date.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. Rule 7.3 of the Rules of Procedure stipulates that an Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave, to re-apply.

I called into the hearing, and the line remained open while the phone system was monitored for ten minutes; and the only participant who called into the hearing during this time was the Landlord. Therefore, as the Tenants did not attend the hearing by 11:10 a.m., and the Landlord appeared and was ready to proceed, I dismiss the Tenants' application without leave to reapply.

At the outset of this hearing, the Landlord testified that the Tenant had moved out of the rental unit on November 4, 2020 and that they no longer required an order of possession. The Landlord withdrew their application.

Analysis

I find that the Tenant's Application for Dispute Resolution has been abandoned.

I find that the Landlord's Application for Dispute Resolution has been withdrawn.

Conclusion

I dismiss the Tenants' Application for Dispute Resolution without leave to reapply.

The Landlord's Application for Dispute Resolution has been 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: November 20, 2020

Residential Tenancy Branch