



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, RR, FFT  
OPL, OPU, MNDL-S, MNRL-S, MNDCL-S, FFL  
LRE, CNR, FFT

### 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 Tenant’s first Application for Dispute Resolution was made on October 7, 2020. The Tenant applied to cancel a Two Month Notice to End Tenancy for the Landlord’s Use of the Property (the “Two-Month Notice”) issued September 24, 2020, for a rent reduction for repairs, services or facilities agreed upon but not provided, and to recover the filing fee for their application.

The Tenant’s second Application for Dispute Resolution was made on November 3, 2020. The Tenant applied to cancel a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities (the “10-Day Notice”) issued October 31, 2020, for an order to suspend or set conditions on the landlord's right to enter the rental unit or site, and to recover the filing fee for their application.

The Landlord’s Application for Dispute Resolution was made on November 17, 2020. The Landlord applied to enforce a Two Month Notice to End Tenancy for the Landlord’s Use of the Property (the “Two-Month Notice”) issued September 24, 2020, to enforce a 10 Day Notice to End Tenancy for Unpaid Utilities (the “10-Day Notice”) issued October 31, 2020, for a monetary order for losses due to the tenancy, for a monetary order for the unpaid rent, for a monetary order for Compensation for damage caused by the tenant, their pets or guests to the unit, site or property, for permission to retain the security deposit and to recover their filing fee.

Both the Landlords attended the conference call hearing; however, the Tenants did not. As the Tenants are the applicants in this hearing, I find that the Tenants had been duly notified of the Notice of Hearing in accordance with the *Act*.

The Landlords were affirmed to be truthful in their testimony and were 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.

#### Preliminary matter – Application Withdraw

At the outset of the hearing, the Landlord testified that they had not served their evidence to the Residential Tenancy Branch (RTB) or the Tenant within the required timeline under the RTB Rules for Procedure.

The Landlords requested to withdraw their application so they may refile their claim and serve all documents in accordance with RTB Rules for Procedure.

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

#### Issues to be Decided

- Should the Two-Month Notice issued September 24, 2020, be cancelled?
- Is the Tenant entitled to a rent reduction for repairs, services or facilities agreed upon but not provided?
- Is the Tenant entitled to recover the filing fee for their first application?
- Should the 10 Day Notice issued October 31, 2020, be cancelled?
- Is the Tenant entitled to an order to suspend or set conditions on the landlord's right to enter the rental unit?
- Is the Tenant entitled to recover the filing fee for their second application?

#### 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 Tenant did not attend the hearing by 9:40 a.m. and the Landlords appeared and were ready to proceed, I dismiss both the Tenant's applications without leave to reapply.

The Landlord's testified that the Tenant has moved out of the rental unit and that they do not require an order of possession.

### Analysis

I find that both of the Tenant's Applications for Dispute Resolution have been abandoned.

### Conclusion

I dismiss both the Tenant's Applications for Dispute Resolution without leave to reapply.

I grant the Landlords' request to withdraw their application; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Landlords' Application.

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: December 17, 2020

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Residential Tenancy Branch