



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

FINAL DECISION

Dispute Codes MNDL-S, FFL

Introduction

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

- a monetary order for damage to the rental unit, pursuant to section 67;
- authorization to retain the tenants' security deposit, pursuant to section 38; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The "first hearing" on November 2, 2020 lasted approximately 14 minutes and the "second hearing" on January 22, 2021 lasted approximately 17 minutes.

The landlord attended both hearings. The "female tenant" did not attend both hearings. The male tenant ("tenant") attended the first hearing only. At the first hearing, the tenant confirmed that he had permission to represent the female tenant, who was his mother (collectively "tenants"). No one attended the second hearing on behalf of the tenants.

At both hearings, both parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue - Adjournment of First Hearing and Service of Documents

The first hearing on November 2, 2020 was adjourned after both parties consented. By way of my interim decision, dated November 2, 2020, I adjourned the landlord's application to the second hearing date of January 22, 2021.

At the first hearing, I notified both parties that they would receive a copy of my interim decision and notice of reconvened hearing with the second hearing date information. The landlord was in receipt of my interim decision and notice of reconvened hearing

At the first hearing, the tenant confirmed receipt of the landlord's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that both tenants were duly served with the landlord's application.

Preliminary Issue – Dismissal of Landlord's Application

At the outset of the hearing, the landlord stated that she received a call from the tenant's father on January 19, 2021, three days before this hearing. She said that she was informed that the tenant had passed away. She claimed that the tenant's father asked if she would close this file.

The landlord stated that she thought about it and she did not want to pursue this application against the tenants. She said that it was her "gift" to the tenant. She claimed, "may God bless him."

I notified the landlord that her application was dismissed without leave to reapply and that she would not be able to pursue this application against the tenants, at any time in the future. The landlord confirmed her understanding of same. The landlord affirmed that she was making this decision of her own free will, without any duress or coercion from anyone else.

Conclusion

The landlord's entire application is dismissed without leave to reapply.

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 22, 2021

Residential Tenancy Branch