



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR-DR, OPRM-DR, FFL, CNR-MT

Introduction

This hearing was convened in response to cross applications.

The Landlord filed an Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent or Utilities, a monetary Order for unpaid rent or utilities, and to recover the fee for filing this Application for Dispute Resolution.

The Tenants filed an Application for Dispute Resolution, in which the Tenants applied to cancel a Ten Day Notice to End Tenancy for Unpaid Rent or Utilities and for more time to apply to cancel that notice to end tenancy.

Issue(s) to be Decided

Should the Tenants be granted more time to apply to cancel a Ten Day Notice to End Tenancy for Unpaid Rent or Utilities?

Should the Ten Day Notice to End Tenancy for Unpaid Rent or Utilities be set aside or should the Landlord be granted an Order of Possession?

Is the Landlord entitled to a monetary Order for unpaid rent or unpaid utilities?

Background and Evidence

At the outset of the hearing the Agent for the Landlord withdrew the Landlord's Application for Dispute Resolution, as the rental unit has been vacated and they do not wish to pursue the monetary claim.

At the outset of the hearing the Agent for the Landlord stated that the Landlord was served with the Tenant's Application for Dispute Resolution.

This teleconference hearing was scheduled to begin at 11:00 a.m. on this date. The Agent for the Landlord attended the hearing at the scheduled start time. By the time this teleconference ended at 11:10 a.m. the Tenant had not appeared.

Analysis

On the basis of the information provided by the Agent for the Landlord at the hearing, I find that the Landlord has withdrawn her Application for Dispute Resolution.

As the Tenant did not attend the hearing, I find that the Tenant failed to diligently pursue the application and I therefore dismiss the Tenant's Application for Dispute Resolution, without leave to reapply.

Conclusion

The Landlord's Application for Dispute Resolution is withdrawn.

The Tenant's Application for Dispute Resolution 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 *Act*.

Dated: April 09, 2021

Residential Tenancy Branch