



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SOUTH OKANAGAN SIMILKAMEEN BRAIN INJURY
SOCIETY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC-MT, OPC, MNDL-S

Introduction and Preliminary Matters

This hearing dealt with cross-applications filed by the parties. On April 22, 2021, the Tenant made an Application for Dispute Resolution seeking to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to Section 47 of the *Residential Tenancy Act* (the “Act”) and seeking more time to cancel the Notice pursuant to Section 66 of the *Act*.

On May 4, 2021, the Landlord made an Application for Dispute Resolution seeking an Order of Possession based on the Notice pursuant to Section 47 of the *Act* and seeking a Monetary Order for compensation pursuant to Section 67 of the *Act*.

On May 14, 2021, these matters were set down for a hearing on August 26, 2021 at 11:00 AM.

K.S. attended the hearing as an advocate for the Tenant; however, the Landlord did not attend at any point during the 11-minute teleconference.

She advised that the parties had settled their dispute, that the Tenant had already given up vacant possession of the rental unit, and thus, she requested to withdraw the Tenant’s Application in full.

I find that K.S.’ request to withdraw the Application in full does not prejudice the Landlord. Therefore, the Tenant’s request to withdraw the Application in full was granted. I note this Decision does not extend any applicable timelines under the *Act*.

Furthermore, as the Landlord has not attended the hearing, I dismiss the Landlord's Application without leave to reapply.

As the Tenant has given up vacant possession of the rental unit and as the Landlord has not attended the hearing, it is not necessary to consider the issuance of an Order of Possession or any of the other claims on these Applications.

Conclusion

The Tenant has given up vacant possession of the rental unit already and withdrawn this Application. I have not made any findings of fact or law with respect to the Tenant's Application.

As the Landlord has not attended the hearing, I dismiss the Landlord's Application 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: August 26, 2021

Residential Tenancy Branch