



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Code: **MNDL-S, MNRL-S, MNDCL-S, FFL**

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for unpaid rent and for other money owed or loss, for an order to retain the security deposit in partial satisfaction of the claim and to recover the cost of the filing fee.

This matter commenced on March 16, 2021 and proceeded for the allotted time and was adjourned to be continued at a later date, August 16, 2021 at 1:30 PM. The interim decision should be read in conjunction with this Decision.

On August 16, 2021, neither party appeared. I note the Residential Tenancy Branch digital file shows that the landlord or their represented withdrew their application at 10:45am on August 16, 2021 through the online application for dispute resolution process.

However, the landlord did not provide me with any evidence that the other party consented to the withdrawal and that the parties have resolved all matters at issue in the application as required by the Residential Tenancy Branch Rules of Procedure 5.

### **Withdrawing an application after the hearing has begun and is adjourned**

Where a participatory hearing (a hearing that is scheduled to take place in person, by telephone or by videoconference) has begun but is adjourned by an arbitrator for continuation at a later date, a party seeking to withdraw that application **must provide evidence** of the other party's consent to the withdrawal and that the parties have resolved all matters at issue in the application through a written agreement, such that continuation of the hearing is no longer necessary.

Although the arbitrator will issue a final decision in the matter under Rule 8.7 [Original decision], no orders reflecting the terms of the settlement will be issued under Rule 8.4 [Decision and orders based on settlement].

Required documents:

- the other party's written consent to the withdrawal
- the written agreement signed by both parties, setting out the parties' agreed resolutions to each of the matters at issue in the application

As I must issue a final decision in this matter, I find it appropriate to dismiss the landlord's application without leave to reapply. The landlord did not provide the required documents for the withdrawal of their application for me to consider; nor did the landlord attend to give further evidence.

However, if the parties have settled this matter, I find that settlement is binding on the parties.

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 17, 2021

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Residential Tenancy Branch