



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TOP VISION REALTY INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR OLC FFT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (applications) seeking remedy under the *Residential Tenancy Act* (Act). The tenant applied for the following:

- To cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice)
- For an order directing the landlord to comply with the Act, regulation or tenancy agreement
- To recover the cost of the filing fee for both applications

The tenant attended the teleconference hearing. The tenant was affirmed. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

The tenant was informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The tenant was also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the tenant was informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The tenant did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition, the tenant confirmed their respective email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them.

At the outset of the hearing, the tenant requested to withdraw their application in full as the parties were able to reach a mutual agreement prior to the hearing and the tenant has vacated the rental unit. The tenant also stated that while they attempted to withdraw their application 1.5 months before the hearing, they were not permitted to unless they had signed permission from the other party, which they were frustrated with and wanted to pass that information on to the RTB.

I do not grant liberty to reapply as the tenant has vacated the rental unit.

I do not grant the filing fee as this hearing was withdrawn.

As the landlord was not present to object to the withdrawal, I permit the tenant to withdraw their application.

Conclusion

The tenant's application was withdrawn in full during the hearing.

Leave to reapply is not granted as the tenant has vacated the rental unit.

This decision will be emailed to the tenant and sent by regular mail to the landlord as an email address was not provided for the landlord.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: October 1, 2021

Residential Tenancy Branch