



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, FFT, OPR-DR, MNR-DR, FFL

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”). The Tenant applied on July 30, 2021 for:

1. An Order cancelling a notice to end tenancy - Section 47; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord applied on August 9, 2021 for:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent or utilities - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The hearing was scheduled for and commenced at 11:00 a.m. on this date. The Tenants did not attend the hearing to present their claim. The Landlord appeared and the hearing lasted for 10 minutes. In the absence of the Tenants, I dismiss their claim without leave to reapply. The Landlord confirms that the Tenants moved out of the unit on August 11, 2021, that the Landlord has possession of the unit and that the Landlord withdraws its application. The Landlord may seek unpaid rent at a later date.

Given the Landlords submissions I dismiss the claims for an order of possession and recovery of the filing fee without leave to reapply. The Landlord’s claim for unpaid rent is dismissed with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

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: November 30, 2021

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Residential Tenancy Branch