



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, MNR-DR, FFL

Introduction

This hearing originated as a direct request proceeding and was adjourned to a participatory hearing in an Interim Decision dated December 13, 2021. This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent, pursuant to sections 46 and 55;
- a Monetary Order for unpaid rent, pursuant to sections 26 and 67; and
- authorization to recover the filing fee from the tenant, pursuant to section 72.

The tenant did not attend this hearing. Landlord A.H. attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that landlord A.H. and I were the only ones who had called into this teleconference.

Landlord A.H. was advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. Landlord A.H. testified that she was not recording this dispute resolution hearing.

Landlord A.H. confirmed her email address for service of this decision.

Landlord A.H. testified that she wished to withdraw her application for dispute resolution as the tenant has already moved out.

The December 13, 2021 decision states:

Notices of Reconvened Hearing are enclosed with this interim decision. The applicants must serve the Notice of Reconvened Hearing, the interim decision, and all other required documents, upon the tenant within three (3) days of receiving this decision in accordance with section 89 of the Act.

Landlord A.H. testified that since the tenant has already moved out, she did not serve the tenant with the above documents.

As the landlord has withdrawn her claim and the tenant was not served with notice of this hearing, I dismiss the landlord's application with leave to reapply.

I make no findings on the merits of the matter. Liberty to reapply 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 *Residential Tenancy Act*.

Dated: February 11, 2022

Residential Tenancy Branch