



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **OPC, MNDCL, FFL**

### Introduction

This hearing was convened as a result of the Landlord's application under the *Residential Tenancy Act* (the "Act") for:

- an Order of Possession based on a One Month Notice to End Tenancy for Cause pursuant to sections 47 and 55;
- a Monetary Order for compensation for monetary loss or other money owed by the Tenants pursuant to section 67; and
- authorization to recover the filing fee of this application from the Tenants.

The Tenants ("GD" and "RD") did not attend this hearing. I left the teleconference hearing connection open until 9:54 am in order to enable the Tenants to call into this teleconference hearing scheduled for 9:30 am. A representative for the Landlord ("DM") 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 Dispute Resolution Proceeding ("NDRP"). I also confirmed from the teleconference system that DM and I were the only ones who had called into this teleconference.

DM testified the Landlord served the NDRP on GD in person on November 19, 2021. DM stated that RD is now in a long-term care facility. I find the NDRP was served on GD in accordance with section 89 of the Act.

### Preliminary Matter – Withdrawal of Landlord's Application

I noted the Landlord's evidence was filed with the Residential Tenancy Branch less than 14 days before the date of this hearing. Rule 3.14 of the *Residential Tenancy Branch Rules of Procedure* states:

### **3.14 Evidence not submitted at the time of Application for Dispute Resolution**

Except for evidence related to an expedited hearing (see Rule 10), documentary and digital evidence that is intended to be relied on at the hearing must be received by the respondent and the Residential Tenancy Branch directly or through a Service BC Office not less than 14 days before the hearing. In the event that a piece of evidence is not available when the applicant submits and serves their evidence, the arbitrator will apply Rule 3.17.

DM stated he was withdrawing the Landlord's application.

#### **Conclusion**

As the Landlord has withdrawn its application, I order the application dismissed with leave to reapply. I make no findings on the merits of the matter. The issuance of this decision does not extend any applicable deadlines under the Act.

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: March 10, 2022

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Residential Tenancy Branch