



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL, MNDCT, FFT**

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of a Two Month Notice to End Tenancy for Landlord's use ("Two Month Notice") pursuant to section 49;
- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

Both parties attended and had opportunity to provide affirmed testimony, present evidence and make submissions. No issues of service were raised. The hearing process was explained.

The tenants are referenced in the singular.

Each party confirmed their email address to which the Decision shall be sent.

Each party testified they were not recording the hearing.

Preliminary Matter – Withdrawal of Claims

The hearing was adjourned after one hour to allow the landlord to submit a document. The parties then submitted a signed written document dated March 22, 2022, in which they agreed that the tenant would withdraw their Application for Dispute Resolution without leave to reapply.

Rule 5 of the Rules of Procedure states as follows:

5.0.1 Withdrawal of an Application for Dispute Resolution

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.

Rule 5.01. requires the parties to submit the following documents:

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

The parties have complied with Rule 5 and have submitted the required document.

Accordingly, the claim is dismissed without leave to reapply.

Conclusion

Pursuant to the agreement between the parties, the tenant's application is dismissed without leave to reapply.

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 23, 2022

Residential Tenancy Branch