



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PEACE ARCH SENIOR CITIZEN'S HOUSING
SOCIETY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, OPC, MNRL-S, FFL; CNR-MT, CNC, OLC, MNDCT

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent and for cause, pursuant to section 55;
- a monetary order for unpaid rent of \$2,523.00, pursuant to section 67;
- authorization to retain the tenant's security deposit, pursuant to section 38; and
- authorization to recover the filing fee for their application, pursuant to section 72.

This hearing also dealt with the tenant's application pursuant to the *Act* for:

- more time to make an application to cancel the landlords' 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated January 6, 2022 ("10 Day Notice"), pursuant to section 66;
- cancellation of the landlords' 10 Day Notice, pursuant to section 46;
- cancellation of the landlords' One Month Notice to End Tenancy for Cause, dated February 4, 2022 ("1 Month Notice"), pursuant to section 47;
- an order requiring the landlords to comply with the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 62; and
- a monetary order of \$1,117.00 for compensation under the *Act*, *Regulation* or tenancy agreement, pursuant to section 67.

The landlords did not attend this hearing, which lasted approximately 11 minutes. The tenant and her advocate attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlords did not attend at the appointed time set for the hearing, although I waited until 11:11 a.m. to enable them to participate in this hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in both

Notices of Hearing. I also confirmed from the teleconference system that the tenant, the tenant's advocate, and I were the only people who called into this teleconference.

The tenant confirmed the names and spelling for her and her advocate. The tenant provided her email address for me to send this decision to her after the hearing. The tenant stated that she wanted her advocate to be present to observe this hearing and support her. The tenant's advocate did not testify at this hearing.

At the outset of this hearing, I informed the tenant that recording of this hearing was not permitted by anyone, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("*Rules*"). The tenant affirmed, under oath, that neither she, nor her advocate would record this hearing.

I explained the hearing process to the tenant. I informed her that I could not provide legal advice to her. She had an opportunity to ask questions, which I answered. She did not make any accommodation or adjournment requests.

At the outset of this hearing, the tenant confirmed that she settled her application with the landlords on April 11, 2022, the day before this hearing on April 12, 2022. She stated that this tenancy was continuing, and she was happy with both parties' settlement agreement. She said that the landlords probably did not show up to this hearing because both parties settled, and they wanted to cancel this hearing, but it was too late to do so on the day before this hearing. The tenant stated that she did not want the relief in her application, and she was not pursuing any of her claims against the landlords.

I notified the tenant that her entire application was dismissed without leave to reapply, as she did not want to pursue her application against the landlords. She confirmed her understanding of and agreement to same.

Dismissal of Landlords' Application

The tenant confirmed receipt of the landlords' application for dispute resolution hearing package.

Rule 7.3 of the RTB *Rules* provides as follows:

7.3 Consequences of not attending the hearing: If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in

the absence of that party, or dismiss the application, with or without leave to re-apply.

In the absence of any appearance by the landlords, I order the landlords' entire application dismissed without leave to reapply, except for the claim to retain the tenant's security deposit. A security deposit is dealt with at the end of a tenancy as per section 38 of the *Act* and the tenant confirmed that this tenancy is continuing.

Conclusion

The tenant's entire application is dismissed without leave to reapply.

The landlords' application to retain the tenant's security deposit is dismissed with leave to reapply.

The remainder of the landlords' application is dismissed without leave to reapply.

The landlords' 10 Day Notice, dated January 6, 2022, and the landlords' 1 Month Notice, dated February 4, 2022, are both cancelled and of no force or effect.

The landlords are not issued an order of possession against the tenant.

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: April 12, 2022

Residential Tenancy Branch