



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenants on March 07, 2022 (the “Application”). The Tenants applied to dispute a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities.

The Tenants appeared at the hearing. Nobody appeared at the hearing for the Landlord. I explained the hearing process to the Tenants. I told the Tenants they are not allowed to record the hearing pursuant to the Rules of Procedure (the “Rules”). The Tenants provided affirmed testimony.

The Tenants advised that they moved out of the rental unit April 03, 2022. The Tenants sought to withdraw the Application.

Rule 5.0.1 states:

Where a tenant has applied to dispute a landlord’s notice to end tenancy, the applicant tenant requires the written consent of the landlord to withdraw their application.

Given rule 5.0.1, I addressed service of the hearing package and Tenants’ evidence. The Tenants testified that the hearing package and their evidence were sent to the Landlord’s residence by registered mail March 17, 2022. The Tenants had submitted a registered mail customer receipt with Tracking Number 601 on it, and the Tenants confirmed this relates to the hearing package and evidence. I looked Tracking Number 601 up on the Canada Post website which shows the package was delivered March 24, 2022.

Based on the undisputed testimony of the Tenants, customer receipt and Canada Post tracking information, I am satisfied the Landlord was served with the hearing package and Tenants' evidence in accordance with sections 88(c) and 89(1)(c) of the *Residential Tenancy Act* (the "*Act*"). Based on the Canada Post tracking information, I find the Landlord received the package March 24, 2020. I also find the Tenants complied with rule 3.1 of the Rules in relation to the timing of service. Further, I note that the Landlord submitted evidence for this matter and therefore must have received the hearing package.

I waited 10 minutes at the outset of the hearing to allow the Landlord to call into the hearing; however, the Landlord did not do so.

Given I was satisfied the Landlord was served with the hearing package and therefore aware of the hearing and given the Landlord did not call into the hearing within 10 minutes of the start of the hearing, I allowed the Tenants to withdraw the Application.

The Application is withdrawn at the request of the Tenants.

Conclusion

The Application is withdrawn at the request of the Tenants.

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: June 21, 2022

Residential Tenancy Branch