



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR-MT, CNC, OLC, RR, AS, MNRT

### Introduction

This hearing was scheduled for 11:00 a.m. on this date, via teleconference call, to deal with the tenant's application for:

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice") and more time to file the application;
- cancellation of a One Month Notice to End Tenancy for Cause ("1 Month Notice");
- orders for the landlord to comply with the Act, regulations or tenancy agreement;
- authorization to reduce rent payable;
- authorization to assign or sublet; and,
- a Monetary Order for repairs made by the tenant.

The landlord appeared for the hearing; however, there was no appearance on part of the tenant although I waited at least 10 minutes to enable the tenant to participate in this hearing.

The landlord was affirmed.

The landlord confirmed he was served with the tenant's Application for Dispute Resolution. The landlord testified that the tenant(s) have already vacated the rental unit. As such, I dismissed the tenant's Application for Dispute Resolution, without leave to reapply.

I do not provide the landlord with an Order of Possession under section 55(1) of the Act as one is not needed since the tenants have already vacated the rental unit. I do not provide the landlord with a Monetary Order for any unpaid rent under section 55(1.1) of the Act as the landlord stated he did not want one as it is very unlikely he would ever recover anything from the tenant(s) and there is no security deposit to dispose of.

However, the landlord requested that he retain the right to seek a Monetary Order at a later date by filing a monetary claim if he so chooses. I informed the landlord of the statutory time limit of two years after the tenancy ends to file an Application for Dispute Resolution.

In keeping with the above, I make no determination as to the landlord's entitlement to a Monetary Order for unpaid rent and the landlord retains the right to pursue that by way of his own Application for Dispute Resolution if he so chooses, within the time limit for doing so as established under the Act.

It was brought to my attention that the landlord had filed an Application for Dispute Resolution against the tenants to obtain an Order of Possession (file number referenced on the cover page of this decision). That application was set for hearing at 9:30 a.m. on December 13, 2022. The landlord requested that application be withdrawn and the hearing be cancelled as an Order of Possession is no longer required. I granted the landlord's request and I have cancelled the hearing set for December 13, 2022.

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: October 11, 2022

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Residential Tenancy Branch