



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Parties	File No.	Codes:
(Tenant) M.C.	310061583	MNDCT, RP, OLC, RR
(Landlord) E.H.	310071144	MNDCL-S, FFL

Introduction

This hearing dealt with cross applications for Dispute Resolution under the *Residential Tenancy Act* ("Act") by the Parties. The first hearing was adjourned, because the Tenant had been in the hospital shortly before the hearing and was not feeling well enough to represent herself properly. Further, the Tenant had not had an opportunity to serve the Landlord with her Notice of Hearing and evidence, and after discussing it with the Parties, I determined that an adjournment would be administratively fair in this set of circumstances.

However, the Tenant failed to serve the Landlord in the months between the hearings, as she did not remember what she had uploaded to the Residential Tenancy Branch ("RTB"). The Tenant asked to withdraw her application, as she was not prepared to continue; the Tenant said she sought legal counsel in the break, but was unable to find anyone, although, she had an assistant in the reconvened hearing.

Further, the Landlord said that he wanted to withdraw his Application, as well, as he blamed his agents for the costs he incurred, removing the Tenant and her belongings from the residential property.

The Tenant filed claims for:

- \$16,666.28 compensation for monetary loss or other money owed;
- an Order for repairs to the unit or property, having contacted the Landlord in writing to make repairs, but they have not been completed;
- an Order for the Landlord to Comply with the Act or tenancy agreement; and

- an Order to reduce the rent for repairs, services or facilities agreed upon but not provided.

The Landlords filed claims for:

- \$6,349.22 compensation for damage caused by the tenant, their pets or guests to the unit or property – holding the pet or security deposit; and
- recovery of the \$100.00 application filing fee.

The Tenant, the Landlords, Q.L. and E.H., and two agents for the Landlord, A.G. and J.G. (the “Agents”), appeared at the first teleconference hearing and gave affirmed testimony; however, only the Tenant, her assistant, A.P., and the Landlords attended the reconvened hearing. I explained the hearing process to the Parties and gave them an opportunity to ask questions about the hearing process.

However, given that both Parties’ expressed a wish to withdraw their applications, I, therefore, **dismiss both applications with leave to reapply**, pursuant to section 62 of the Act.

Conclusion

The Parties’ applications are both dismissed with leave to reapply, as both Parties expressed a wish to withdraw their respective claims, until other matters are resolved.

Accordingly, I dismiss the Applications with leave to reapply, pursuant to section 62 of 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: November 14, 2022

Residential Tenancy Branch