



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNC, FFT
 OPC, FFL

Introduction

This hearing dealt Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “*Act*”). The matter was set for a conference call.

The Tenant’s application for Dispute Resolution was made on February 6, 2023. The Tenant applied to cancel a One-Month Notice to End Tenancy for Cause (the Notice) dated January 31, 2023, and to recover their filing fee.

The Landlord’s Application for Dispute Resolution was made on May 9, 2023. The Landlord applied for an order of possession to enforce a One-Month Notice to End Tenancy for Cause (the Notice) dated January 31, 2023, and to recover their filing fee.

The Tenants Legal Counsel attended the conference call hearing; however, the Landlord did not. As the Landlord is also an applicant in these proceedings, I find that the Landlord had been duly notified of the Notice of Hearing in accordance with the *Act*.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Should the One-Month Notice dated January 31, 2023, be cancelled?
- If not, is the Landlord entitled to an order of possession?
- Are the Tenants entitled to the return for their filing fee for this application?
- Is the Landlord entitled to the return for their filing fee for this application?

Background and Evidence

The Tenants' legal counsel submitted that the Tenants and the Landlord had settled their dispute and requested to withdraw the Tenants' application.

Analysis

I find that the Tenants Application for Dispute Resolution has been withdrawn.

This hearing was scheduled for a teleconference hearing on this date.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. Rule 7.3 of the Rules of Procedure stipulates that an Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I called into the hearing, and the line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Tenants' legal counsel. Therefore, as the Landlord did not attend the hearing by 11:40 a.m., I dismiss the Landlord's application.

Conclusion

The Tenants' Application for Dispute Resolution has been withdrawn.

I dismiss the Landlord's Application for Dispute Resolution

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: June 2, 2023

Residential Tenancy Branch