



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Municipal Affairs

## **DECISION**

**Dispute Codes   ARI-C**

### **Introduction**

This hearing dealt with the Landlord's application pursuant to the *Residential Tenancy Act* (Act) and the *Residential Tenancy Regulation* (Regulation) for an additional rent increase for capital expenditures under section 43 of the Act, and section 23.1 of the Regulation.

Landlord R.D. attended the hearing for the Landlord.

No one attended the hearing for the Tenants.

This matter was reconvened to canvass service of the Notice of Dispute Resolution Proceeding Package by the Landlord. The Landlord had not uploaded proofs of service on each of their Tenants as requested in the Interim Decision dated January 20, 2025.

At the outset of the hearing, the Landlord said they had spoken to all their Tenants, and the Tenants were agreeable to an additional rent increase.

The Landlord said there was no way for them to withdraw their application because the hearing had already begun. Rule 5.0.1 of the Residential Tenancy Branch (RTB) Rules of Procedure provide:

***Withdrawing an application after the hearing has begun and is adjourned:***  
*Where a participatory hearing (a hearing that is scheduled to take place in person, by telephone or by videoconference) has begun but is adjourned by an arbitrator for continuation at a later date, a party seeking to withdraw that application must provide evidence of the other party's consent to the withdrawal and that the parties*

*have resolved all matters at issue in the application through a written agreement, such that continuation of the hearing is no longer necessary.*

...

*Required documents:*

- *the other party's written consent to the withdrawal*
- *the written agreement signed by both parties, setting out the parties' agreed resolutions to each of the matters at issue in the application*

The rules set out a process for a party to withdraw their application. I find the Landlord seeks to withdraw their application at this time because they stated that they no longer require a participatory hearing for the matter. Under section 62 of the Act, I order the application dismissed with leave to re-apply. I make no findings on the merits of the Landlord's application.

## **Conclusion**

The Landlord's application is dismissed with leave to re-apply.

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: January 31, 2025

---

Residential Tenancy Branch