



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF, CNR

Introduction

This hearing was convened by way of conference call concerning applications filed by the landlord and by the tenants. The landlord has applied for an Order of Possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenants for the cost of the application. The tenants have applied for an order cancelling a notice to end tenancy for unpaid rent or utilities.

An agent for the landlord company and one of the tenants attended the conference call hearing.

The landlord's agent advised that the tenants' rent had been erroneously applied to another tenant's account and subsequently the 10 Day Notice to End Tenancy dated December 3, 2012 was issued in error. The landlord has located the error and has now correctly applied the rental payment. The landlord's agent applied to withdraw the landlord's application.

The tenant stated that the landlord had advised the tenant that the application would be withdrawn at this hearing, and the tenant now withdraws the application for an order cancelling the notice to end tenancy.

The parties agree that the applications should be withdrawn and the notice to end tenancy cancelled.

Conclusion

For the reasons set out above, the 10 Day Notice to End Tenancy dated December 3, 2012 is hereby cancelled.

The landlord's application is hereby dismissed without leave to reapply, as withdrawn.

Similarly, the tenants' application is hereby dismissed without leave to reapply, as withdrawn.

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: January 11, 2013

Residential Tenancy Branch

