



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Battye Enterprises Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

Tenant: CNR MT

Landlord: OPC OPR MNR MNSD FF

### **Introduction**

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on November 2, 2018.

The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the “Act”):

- cancel the 10 Day Notice for Unpaid rent or utilities;
- more time to file an application.

The Landlord applied for the following relief:

- an order of possession based on a 1 Month Notice for Cause;
- an order of possession based on a 10 Day Notice for unpaid rent; and,
- a monetary order for unpaid rent or utilities.
- Authorization to retain the security deposit to offset what they are owed.

The Landlord attended the hearing. However, the Tenants did not. The hearing was by telephone conference and began promptly, as scheduled, at 9:30 AM Pacific Time on November 2, 2018, as per the Notice of a Dispute Resolution Hearing provided to the Tenant. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the Landlord who was ready to proceed. The Landlord testified that the Tenants have already moved out.

After the ten minute waiting period, the Tenants' application was **dismissed in full, without leave to reapply**. Since the Tenants have already moved out, the Landlord did not need an order of possession, pursuant to section 55 of the Act.

The Landlord testified that she no longer requires an order of possession or any of the other grounds she applied for because the Tenants have moved out. The Landlord asked to withdraw her application in full. I allow the Landlord to withdraw her application.

### Conclusion

The Tenants' application has been dismissed in full, without leave to reapply as they failed to attend the hearing.

The Landlord withdrew her application, in full.

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 5, 2018

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Residential Tenancy Branch