



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FFL, MNDCL-S, MNRL-S, OPR (Landlord)  
CNR, FFT (Tenant)

### Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties.

Tenants A.V.S. and G.V.S. filed their application September 23, 2018 (the “Tenants’ Application”). They disputed a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated September 17, 2018 (the “Notice”). They also sought reimbursement for the filing fee.

The Landlord filed their application September 25, 2018 (the “Landlord’s Application”). The Landlord applied as follows: for compensation for monetary loss or other money owed; to recover unpaid rent; for an Order of Possession based on the Notice; and for reimbursement for the filing fee. The Landlord’s Application named all four Tenants.

The Agent and Property Manager (the “Agents”) appeared at the hearing for the Landlord. Nobody appeared at the hearing for the Tenants.

The Agents for the Landlord advised at the outset that the Tenants had vacated the rental unit. Further, the Agents advised that the parties had resolved this matter by way of a settlement agreement. A copy of this had been submitted to me.

The hearing proceeded for ten minutes during which time I collected information from the Agents for the Landlord in relation to the Landlord’s Application. Nobody appeared for the Tenants during this time.

Rule 7.3 of the Rules of Procedure states that if a party fails to attend the hearing, the arbitrator can conduct the hearing in their absence, dismiss the application with leave to re-apply or dismiss the application without leave to re-apply.

Given the Tenants failed to attend the hearing to provide evidence in relation to their application, the Tenants' Application is dismissed without leave to re-apply. I also note that the Tenants' Application raises a moot point given the Tenants have vacated the rental unit.

The Agents for the Landlord withdrew the Landlord's Application in its entirety given the settlement agreement reached between the parties.

### Conclusion

The Tenants' Application is dismissed without leave to re-apply.

The Landlord's Application is withdrawn.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: November 05, 2018

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Residential Tenancy Branch