



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, MNRL-S, FFL

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- a monetary order for unpaid rent and for damage to the unit in the amount of \$725 pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 1:40 pm in order to enable the tenant to call into this teleconference hearing scheduled for 1:30 pm. The landlord's general manager ("**GW**") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that GW and I were the only ones who had called into this teleconference.

GW testified that he served the tenant with the notice of dispute resolution form and supporting evidence package via registered mail on January 14, 2021 to the forwarding address she provided at the end of the tenancy. GW provided a Canada Post tracking number confirming this mailing which is reproduced on the cover of this decision. I find that the tenant was deemed served with this package on January 19, 2021, five days after GW mailed it, in accordance with sections 88, 89, and 90 of the Act.

At the outset of the hearing, GW advised me that the landlord and the tenant has settled the dispute prior to the hearing and that the landlord no longer required the orders sought. As the tenant did not call into the hearing, I could not confirm that this settlement occurred. Regards, as the landlord is not seeking any order at the hearing, and with GW's consent, I dismiss the landlord's application without leave to reapply.

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: May 17, 2021

Residential Tenancy Branch