



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ACE AGENCIES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, OLC, OPR-DR, MNR-DR, FFL

### Introduction and Preliminary Matters

This hearing dealt with cross-applications filed by the parties. On May 30, 2022, the Tenant made an Application for Dispute Resolution seeking to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to Section 46 of the *Residential Tenancy Act* (the “Act”) and seeking an Order to comply pursuant to Section 62 of the *Act*.

On June 13, 2022, the Landlord made an Application for Dispute Resolution seeking an Order of Possession based on the Notice pursuant to Section 46 of the *Act*, seeking a Monetary Order for unpaid rent pursuant to Section 67 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

This hearing was scheduled to commence via teleconference at 11:00 AM on October 14, 2022.

K.S. attended the hearing as an agent for the Landlord; however, the Tenant did not make an appearance at any point during the 12-minute teleconference. At the outset of the hearing, I informed K.S. that recording of the hearing was prohibited and she was reminded to refrain from doing so. As well, she provided a solemn affirmation.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a Decision or dismiss the Application, with or without leave to re-apply.

I dialed into the teleconference at 11:00 AM and monitored the teleconference until 11:12 AM. Only a representative for the Respondent/Applicant dialed into the teleconference during this time. 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 the Tenant had not called into this teleconference.

As the Tenant did not attend the hearing, the Tenant's Application is dismissed without leave to reapply.

K.S. then advised that the Tenant had given up vacant possession of the rental unit at the end of June 2022 and that she would like to withdraw the Landlord's Application in full, at this time.

I find that K.S.' request to withdraw the Application in full does not prejudice the Tenant. Therefore, the Landlord's request to withdraw the Application in full was granted. I note this Decision does not extend any applicable timelines under the *Act*.

### Conclusion

The Tenant's Application is dismissed without leave to reapply.

The Landlord has withdrawn their Application in full. I have not made any findings of fact or law with respect to the Application.

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: October 14, 2022

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Residential Tenancy Branch