



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Mathot Homes Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, MNDC, FF

### Introduction

These two hearings dealt with the Tenants' Application for Dispute Resolution, seeking to cancel a two month Notice to End Tenancy for the Landlord's use, a monetary order for compensation under the Act or tenancy agreement, and to recover the filing fee for the Application.

Both parties appeared at the first hearing, and the Landlord was represented by legal counsel. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

The first hearing was adjourned as the parties had not provided all their documentary evidence. The parties were sent Notices of the time and date for the second hearing, as well as a copy of my Interim Decision dated March 19, 2013. The Interim Decision should be read in conjunction with this, my final Decision in this matter.

The Tenants did not appear at the second hearing, set for hearing by telephone conference call at 1:30 p.m. on this date. The line remained open while the phone system was monitored for ten minutes and only the Agent for the Landlord called into the hearing during this time.

Therefore, as the Applicants did not attend the second hearing and the Landlord appeared and was ready to proceed, I dismiss the Tenants' claims without leave to reapply.

I note that the Agent for the Landlord who appeared at the second hearing informed me that the Tenants had vacated the rental unit at the end of March 2013.

The Agent explained that the Tenants were compensated under the 2 month Notice to End Tenancy with the equivalent of the amount of one month of rent, as they did not pay rent for the last month they occupied the rental unit.

The Agent for the Landlord also explained he had received no forwarding address from the Tenants in order to return the security deposit or pet damage deposit.

Both parties are advised to examine section 38 of the Act with respect to the return of the deposits, and they may also call an Information Officer at the Branch for information on the handling of the deposits.

### Conclusion

The Tenants did not appear at the second hearing of this matter, although an Agent for the Landlord appeared and was ready to proceed. Therefore, the Tenants' Application is dismissed without leave to reapply.

The Tenants have vacated the rental unit, have been compensated with one month of rent under the two month Notice to End Tenancy, and have provided no forwarding address in writing to the Landlord.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 18, 2013

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Residential Tenancy Branch

